

2011 Missouri Clerical Weighted Workload Study

Report, Model, and Recommendations

FINAL

May 16, 2011

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This report explains the background, methodology, research design, analysis, conclusions, and recommendations for the 2011 Missouri Clerical Weighted Workload Study.

I. 2011 Clerical Weighted Workload Study Background

The 2011 Clerical Weighted Workload Study began in June 2010 when the Circuit Court Budget Committee (CCBC) contracted with Dr. Karen Gottlieb, a court consultant, to conduct the study and update the Clerical Weighted Workload Model. Dr. Gottlieb also conducted the 2002, 2005, and 2008 Missouri Clerical Weighted Workload Studies and the 2003 Circuit Civil Time Intensive Study. In August 2010, the CCBC appointed the Clerical Weighted Workload Task Team whose members were selected to represent judges, court administrators, and clerks from courts of different sizes and geographic areas. (*See Appendix A*).

On August 10, 2010, an email was sent to the Circuit Court appointing authorities informing them of the upcoming 2011 Clerical Weighted Workload Study and asking for any suggestions, comments, criticisms, or questions to improve the 2011 study. In the same email was a call for volunteer courts to participate in the Main Time Study in October or one or both of the smaller mini-time studies focusing on Treatment Court and Jury Management. The proposed time study sample courts and research design, with an emphasis on collecting complete clerical data for treatment court and jury management, was presented to the Clerical Weighted Workload Task Team on September 1, 2010 for its comments and approval.

The Clerical Weighted Workload Model is a time study-based model and the Clerical Weighted Workload Task Team approved the decision the time study would occur in several parts – a month-long Main Time Study in October for the non-metro courts as well as treatment court activity from additional courts, a two-week period in early November for the metro court, and a Jury Management Mini-Time Study from September 1, 2010 to February 28, 2011 to include those courts with six-month jury terms. On-site and webinar training on the time study reporting procedures was conducted prior to the two time study periods. The Clerical Weighted Workload Task Team had its second meeting on March 15, 2011 and they reviewed and approved the case weight calculations. The third and last Clerical Weighted Workload Task Team meeting was held on April 29, 2011 where the Task Team approved the remaining 2011 Clerical Weighted Workload Model components (Treatment Court case weight, Jury Management and Travel credit, Average Annual Availability, and Annual Filings). The final

report and model was distributed to the Clerical Weighted Workload Task Team in mid-May for approval of the final report and model by e-vote.

II. Overview of Weighted Workload Methodology

A. What Workload Assessment Models *Are*

A clerical workload assessment model¹ is an attempt to objectively and quantitatively assess the number of clerical staff required to process a court's caseload. Workload models can assume various forms—from simple algorithms to complex and sophisticated models. For example, a simple clerical workload algorithm may predict the need for new clerks based on the number of judges in a court, e.g., each additional judicial position equals four additional clerks. A more sophisticated and complicated workload assessment model is a quantitative representation of inter-related variables. For example, a model can be constructed using the number of filings by case category, the number of days available to work during the year, the length of the work day, and time spent on non-case-related activities such as jury management or personnel supervision.

One workload model of this type, the one used in the Missouri Clerical Weighted Workload Study, is a “weighted” workload model that weights different case categories by the amount of time required to process the cases in the various case categories. The case weights, the average amount of time to process a case of a particular category, can be determined by a time study or by a consensus building approach often called the Delphi Method. A weighted workload study converts *caseload* - the number of new filings a court has, to *workload* - the number of minutes of clerical time the court needs to process new filings from beginning to end. In a workload model based on case weights, a court receives more credit, for example, for a circuit civil case than a traffic case because on average more clerical time is spent on a circuit civil case than a traffic case. In a weighted workload model, one county could have a greater annual total of new cases than a neighboring county, but still have a smaller weighted workload because proportionally more of the first county's cases are from case categories with smaller case weights, such as traffic cases. A weighted workload assessment model provides a baseline

¹ A workload assessment model is a quantitative representation of the inter-related variables, or characteristics, that work together to predict resource needs. A change in one variable will affect other variables in the model and the predicted clerical resource demand. The term “model” is commonly used in the social sciences to denote this relationship among variables.

for predicting resource need and allows the courts within a state to be compared on uniform criteria and relative need.

There is more than one correct way to construct a weighted workload assessment model. The crucial point is good statistical methodology needs to be followed to construct a valid and reliable workload model. Basically, a weighted workload model consists of five components:

- a. case weights (the average amount of case processing time for each of the case categories),
- b. filings for the previous year for each of the case categories by county,
- c. the average number of minutes in a year a clerk is available to work,
- d. the number of minutes in a year a clerk spends on activities not directly related to a specific case category, and
- e. the number of authorized clerical full-time equivalent (FTE) positions.

Workload models are objective because the assessment of a jurisdiction's workload is based on a quantitative approach that treats each county in a similar fashion based on external measurements of workload factors rather than how persuasively the court argues its need for additional positions with the supreme court or the legislature. This is not to say, however, that all jurisdictions are treated equally in a quantitative workload model. "Equitable" is a more correct adjective than "equal". For example, one jurisdiction may have two courthouses and the rest of the jurisdictions only have one courthouse. The jurisdiction with two courthouses needs to be credited with the additional travel time two courthouses generate. Another example is jury management time. All the jurisdictions need to be credited with jury management time, but not the same amount of jury management time because larger courts spend more time on jury management. When crediting courts on a "sliding scale" it is important to base the values on a quantitative characteristic grounded in real data. For example, jury management credit can be based on the number of circuit felony and circuit civil filings.

B. What Workload Assessment Models *Are Not*

A time study-based weighted workload assessment model is not a performance evaluation of individual clerks. The data generated by a time study—when the clerks report what case category they are working on in ten-minute intervals—show how much time the clerks spend

on the different case categories, it does not measure how long or how hard the clerks are working during the day.

A workload assessment study is not a time standards study, it does not follow individual cases from beginning to end and measure how many days it takes to dispose of a case. Rather, the time study is a “window in time” and measures the amount of time spent on the cases coming through the court during that time period. Some cases will be new filings, some will be further along and coming up for trial, and others may have been closed previously and are re-opened during the time study for modification or probation violation. All this time on the various stages in the life of a case is captured during the time study and added together to construct the case weight.

Nor does a workload assessment model measure the quality of the case processing by the clerks. Although the methodology does calculate how “fast” or “slow” the individual courts process the various case categories relative to the other counties, there is no connotation of good or bad quality associated with those times. A fast court can be an efficient court with a good quality of justice or it can be a court that has too much work for too few resources and clerks are cutting corners and not doing everything that is supposed to be done. Similarly, a slow court may take more time on cases because the court has the time to spend on the cases due to a smaller volume of filings and greater resource availability. The quality of justice may be better or worse than a faster, busier court.

C. What Makes a Valid Weighted Workload Model?

The keys to a valid weighted workload model are careful data collection, large sample sizes, and sound statistical methodology. The data collection is focused on (1) the time study where the clerks report which case categories and activities they are working on, and (2) the new filings occurring during the time study and the annual filings, both provided by the case management system by case category.

Thorough training on the time study case and activity categories, along with coding nuances, is important to ensure the clerks understand how they are to report their time. An assumption of the time study is a very large amount of good data will be collected and any incorrect coding by some clerks will not affect the statewide average. Some clerks may under-report a category, some may over-report a category, but the vast majority will report correctly

and the case weight will reflect the central tendency, or average case weight, because of the large number of minutes reported in the time study (over three million minutes in the Missouri Clerical Weighted Workload Studies).

The case category filings for the time study period and the previous year must be standardized across counties to ensure each county within a court system is counting new filings the same way. For example, if one county counts the temporary protection order and the full protection order as two separate filings and another county counts the two orders as one filing, there is a problem in filing consistency. Another example is whether three children in a family in an abuse and neglect case are counted as three cases or one case. A criminal case example would be whether probation violations are counted as a new case or as a re-opening of the original criminal case. For a valid time study, it does not matter which way the state counts new cases as long as each court in the state does it the same way.

The construction of the workload model must be grounded in sound statistical principles. Sample size comes into play in (1) the number of minutes reported for a case category, (2) the number of minutes reported for an activity, (3) the number of filings counted for a case category (statistical sampling error is probable when the number of filings falls below 30-35 for the time period), and (4) the number of courts in the time study. In general, the larger the sample size, the more accurate and valid are the data. The length of the time study period dictates the sample sizes, so the longer the time study, the more accurate and valid the model. The number of courts in the time study is also a crucial factor in ensuring statistical validity for the model. There should be a range of court sizes in the time study so any quantitative trends related to size of court (e.g., jury management) can be captured. Also, because the smallest courts will not have sufficient minutes or filings for many case categories, their data are aggregated and the number of courts in the study is reduced further.

D. Weighted Workload Model Assumptions

All models have assumptions. A defining characteristic of models is they are *not* exact replicas of reality, but are based on general assumptions. A model is not lacking if it has assumptions, but if the assumptions are not generally true, the integrity of the model is jeopardized.

One of the assumptions in a weighted workload model is the statewide case weight estimates how long it should take on average to process a case from beginning to end in all the counties. Some courts may be a little slower and some may be a little faster because of factors unique to a court, but *in general*, the statewide case weight reflects how long it should take to process a case. If this is not true, for example civil cases have more hearings because of local court rules, the statewide case weight will not be a good estimate for that county. Another example is from a different perspective, how much time is available for each clerk to process cases during the year? If a statewide annual number of sick leave days is applied to all courts and a particular court usually has much more than that amount for whatever reason, the model is not a good estimate for that court.

A balance between using statewide averages and individual court data must be struck to make the model valid for judging which courts need additional resources. Models cannot be so complicated that data are collected on everything for every court and each court is credited with the time they actually spend on different activities. There are three reasons why workload models are not constructed this way. One, it would be too expensive and labor intensive to collect all the data needed to do such as individualized model. The second reason is there is an underlying philosophy in workload models that some sort of best practices should be strived for when assessing the need for additional resources. In other words, a slow and inefficient court should not be rewarded for their slowness and inefficiency by receiving extra resources. By using the statewide average, courts are not required to be the fastest, but only to achieve the middle ground. The third reason involves the ease of updating the model on a yearly basis – usually the only changes made are substituting current filing numbers and adjusting the number of FTE clerical staff by any changes during the year. A more complicated model with many individualized values would be too difficult for easy updating. The best model is the one that is simple, yet provides the information needed for making resource allocation decisions.

There are other assumptions in weighted workload models. One is the courts in the time study are a representative sample of all the courts in the state. Similarly, there is an assumption the time study period is a representative period and annual case and activity category values can be extrapolated from the time study period.

Another assumption of a workload model is some values may be a high estimate and some values may be a low estimate for particular counties; but all in all, the highs and lows

balance out and the result is a reliable and accurate estimate when data collection is careful, sample sizes are sufficient, and sound statistical reasoning is used to calculate the values in the model.

It is important to keep in mind the model is based on the 95 percent situation. All courts have times of increased work activity, such as a capital murder trial or a complex product liability case. These examples are the five percent of the time when some activities must be put on the back burner or extra help in the form of temporary clerks must be brought in. A court is not regularly staffed for these out-of-the-ordinary situations.

E. Common Misperceptions about Weighted Workload Models

Below are some common misperceptions.

1. Counties receive the times in the workload model they reported during the time study and can look busier than they really are by “over-reporting”. Reality: Courts do not receive the amount of time they reported. Instead the information on the case categories and activities reported during the time study is used in statistical formulas to construct statewide values (usually averages) applied to all courts.
2. Case processing time after disposition, such as probation violations or domestic relations order modifications, is not included in the case weight. Reality: All work on a case, pre-judgment and post-judgment, is included in the case weight even if the case is re-opened years after originally being disposed. Time spent on these examples is counted in the weighted workload model as part of the original case filing and hence increases the case weight. For example, suppose the Domestic Relations case weight is 300 minutes when the time spent on child support modifications is not included, but is 400 minutes when it is included. For every Domestic Relations filing, the county receives 100 minutes of time in the weighted workload model for child support modifications. Of course, some cases involve much more time for child support modifications, but many cases will not have any time spent on child support modifications, so the case weight is an average. The same methodology applies for probation violations in felony and misdemeanor cases; the case weights include time for processing any post-judgment probation violations.

3. Counties with a higher volume of otherwise infrequent case types do not receive credit for the increased volume they experience. Reality: Volume is accounted for in the weighted workload model and courts do receive credit for all their filings on a county-by-county basis. If a county has more filings for a certain case category, more time is being credited toward the weighted workload because workload is the product of case weight multiplied by number of filings. Involuntary Detention Petition cases are a good example. A county that has more Involuntary Detention Petition cases because there is a mental health hospital in its jurisdiction is receiving credit for the extra work because a larger number of Involuntary Detention Petition filings will be entered in the model for that county.
4. Activities not occurring during the time study are not correctly credited. Reality: Not all values in the model come from the time study. Activities that occur sporadically such as training are credited in the model according to task team input. For example, some clerks did report training time during the time study, but the five days of training per staff member credited in the 2011 Clerical Weighted Workload model is a policy decision of the Clerical Weighted Workload Task Team based on the desire to carve out time for the clerks to take advantage of the increased OSCA training opportunities.
5. Some courts are treated unfairly because they have to do more of one activity than courts in other counties. An example of this is a greater frequency of jury trials in some courts (even when courts are the same size as one another) because of the county prosecutor's style. Reality: The general philosophy underlying the weighted workload model is although a court may have more of this or that activity than another county, there are some activities the court has less of, or an activity it does not have to do. For example, although one county receives credit in the weighted workload model for the average amount of time spent on jury management and this amount is less than the court actually spends on jury management, it also will receive daily credit for traveling to the bank or post office and this might be an activity the court does not have to do at all. The basic philosophy is, it all balances out.

III. 2011 Clerical Weighted Workload Study Research Design

A. Main and Metro Time Study Counties

The majority of the time study courts volunteered in response to the email sent out in August. Clerical Weighted Workload Task Team members suggested additional counties at the September meeting. Unlike previous years, all Missouri courts are now consolidated and on JIS so there was a bigger pool of counties to choose from for the time study sample, but there was a preference for counties that were within $\pm 15\%$ of FTE need and were using the FCC. The only time study courts not within $\pm 15\%$ of FTE need were the larger courts (i.e., Clay, Greene, St Louis County) that could compensate because of their specialization and economy of scale. Traffic times were not used from the one court in the time study not on the FCC. The final selection of courts included a range of court sizes as well as geographic distribution across the state (*see* Appendix B). The time study courts were grouped into seven clusters that would yield sufficient sample size (approximately 40 FTE each) for case weight construction. The largest 12 courts were trained on-site by Karen Gottlieb and/or Kerri Yarter between September 20th and 30th and the smallest 10 courts were trained via webinar on September 23rd and 24th by Karen Gottlieb.

There were 22 counties in the Main Time Study that began on Friday, October 1st and ended on Friday, October 29th for a total of 20 work days not including the Columbus Day holiday. All state-paid clerical staff and Circuit Clerks in the time study courts participated. In addition there were other participants, not part of the Clerical Weighted Workload FTE, who perform “clerical tasks” such as presiding judge secretaries, bailiffs, juvenile officers, domestic violence advocates, and county-paid clerical staff. This second group only reported the “clerical” portion of their work. There were 311 participants in the Main Time Study. The participants recorded the time they spent on clerical activities associated with a case category and clerical activities not associated with a case category in 10-minute increments, including before and after the regular work day and on weekends. The month-long time study was monitored remotely by Karen Gottlieb. Participants faxed their time sheets daily to her office where they were reviewed and followed up with any questions to ensure any reporting problems were dealt with in a timely manner. There were approximately 2,302,970 case and activity minutes reported in the Main Time Study.

St Louis County represented the metropolitan courts in the time study. There were 246 participants including circuit court staff, sheriff's office staff (because they processed summons returns in JIS), and trial court administration staff. Time study training was done on-site from Monday, November 1st through Thursday, November 4th by Karen Gottlieb and Monica Melhorn. The time study period was from Friday, November 5th through Friday, November 19th. The ten reporting days used were November 5th through November 10th and November 15th through November 19th with November 18th used twice so that all days in the week were represented twice in the time study. There were 939,510 case and activity minutes reported during the ten days of the Metro Court Time Study.

The 23 counties that participated in the October Main or the November Metro Time Studies are shown below by cluster.

Cluster 1

St Louis County (227 FTE)

Cluster 2

Greene (72 FTE)

Cluster 3

Clay (48 FTE)

Cluster 4

St Francois (21 FTE)

Pettis (15 FTE)

Cluster 5

Lafayette (14 FTE)

Johnson (13 FTE)

Pemiscot (12 FTE)

Cluster 6

Saline (9 FTE)

Mississippi (8 FTE)

Miller (8 FTE)

New Madrid (8 FTE)

Bates (7 FTE)

Cluster 7

Wayne (6 FTE)

Cedar (5 FTE)

Iron (4 FTE)

Carter	(4 FTE)
Sullivan	(4 FTE)
Howard	(3.5 FTE)
Ralls	(3 FTE)
Carroll	(3 FTE)
Hickory	(3 FTE)
Holt	(2.5 FTE)

B. Changes to 2008 Case Categories

One of the basic steps in designing a weighted workload model is aggregating the hundreds of case *types* a case management system counts into a more manageable number of case *categories*. The idea behind the categorization is to aggregate similar case types together. For example, all circuit felony classes can be aggregated together under the case category of Circuit Felony. It is true a class A felony on average might have more case processing than a class D felony, but as long as most counties have similar proportions of felony classes, the case weight will represent the average amount of time to do the case processing for a felony case.

A good number of categories for a court system such as Missouri's are between 15 and 20 case categories. The greater the number of case categories, the more accurate and equitable the weighted workload model is, but the number of case categories needs to be balanced against the ease and accuracy in reporting during the time study. In addition, the more case categories there are, the fewer number of filings for each case category there are during the time study period. During the time study period there needs to be enough data (minutes and filings) collected on each of the case categories to ensure there are not statistical problems due to a small sample size. Ideally, one would expect at least 30-35 filings for each case category per county during the time study period.

Circuit Civil Time Intensive Changes. After the Main and Metro Time Studies were completed and the case weight analysis was underway, it was decided to update the 2003 Time Intensive Clerical Weighted Workload Study that originally identified the Circuit Civil Time Intensive case types. It was recognized for some time the General Circuit Civil case weight was not giving enough credit to those "time intensive" cases such as Asbestos or Wrongful Death that generate a great deal of work for the clerks. This problem is not evenly shared by all the courts because most, but not all, of the Time Intensive Circuit Civil cases are filed in the largest courts. Attempts to construct a Time Intensive case weight for the 2002 and 2005 Clerical Weighted

Workload Models were not that successful because of the difficulty the clerks had in recognizing Time Intensive case activity during the time study. A different approach was used in the 2008 study based on the number of docket entries and litigants (using data from the 2003 Time Intensive Clerical Weighted Workload Study). The original 2003 Time Intensive case types were:

1. Asbestos,
2. Product Liability,
3. Malpractice,
4. Federal Employer Liability Act (FELA),
5. Wrongful Death,
6. Eminent Domain/Condemnation-State, and
7. Eminent Domain/Condemnation-Other.

The information in the 2003 study has been used to identify which Circuit Civil case types are “Time Intensive” and to justify the doubling of the Circuit Civil case weight for the Time Intensive case weight based on double the amount of docket entries. It also has been used to justify adding Sexual Predator to the Time Intensive category in 2008 and to justify keeping P3 and P5 trusts in the Circuit Civil category in 2011 based on number of docket entries and litigants. Given the past and probable continued use of the information from the 2003 study, it was updated in December 2010 (*see* Appendix C dated 1/1/11) based on a concern that the original data from 2001 was now ten years old and, in addition, the 2001 data was not as complete as it could have been because of conversion issues with the SWJIS case management system. To update the information, the JIS system was queried for total docket entries for each Circuit Civil case disposed of in 2009 and queried for number of litigants for each Circuit Civil case filed in 2009 – analogous to the original time intensive queries in 2003. The number of litigants is based on recent filings (unlike the cases being disposed of in 2009) to capture case processing information on recent cases. To ensure all subcases were included in the analysis the query was done by master case id.

The results of the updated Circuit Civil docket entry and litigant queries are shown in Appendix C and confirm the 2003 results. The case types previously identified as Time Intensive are still the case types with the most docket entries and number of litigants. However,

the case types are not as tightly clustered as they were in 2003 when the range for the 75th percentile for docket entries was from 91 to 138. Now the range is from 66 to 370 and there is no clear demarcation between the Time Intensive and Non-Time Intensive case types. In addition, two of the case types have 75th percentile numbers that would have put them in the Non-Time Intensive category based on the original analysis (i.e., Condemnation/Eminent Domain-State and Condemnation/Eminent Domain-Other). Also, Asbestos, which had the most docket entries and number of litigants in both 2003 and 2011, is now way above the other Time Intensive cases. Half of all the Asbestos cases have more than 204 docket entries and 25 percent of the cases have more than 370 docket entries.

Given this new, updated information, the Clerical Weighted Workload Task Team approved moving the Condemnation/Eminent Domain-State and Condemnation/Eminent Domain-Other case types back into the General Circuit Civil case category and approved moving Asbestos out of the Circuit Civil Time Intensive case category and into its own “Super” Circuit Civil Time Intensive case category.

Small Claims Merged into Associate Civil. At the first Clerical Weighted Workload Task Team meeting, Associate Civil and Small Claims were approved as separate case categories, as they had been in the 2002, 2005, and 2008 Clerical Weighted Workload Studies. However, when the time study data was analyzed, only Cluster 1 and Cluster 3 had a sufficient number of Small Claims filings to construct a case weight. Also, a review of the statewide Small Claims filing trend showed the case type appeared to be declining (FY06 = 15,704, FY07 = 15,493, FY08 = 14,332, FY09 = 13,698, and FY10 = 12,301). The Clerical Weighted Workload Task Team approved the merger of the case category Small Claims into the Associate Civil category for the 2011 Clerical Weighted Workload Model given the similarity between the two case categories in case processing.

Relabeling of Mental Health Application Case Category. The 2011 Clerical Weighted Workload Task Team approved the relabeling of the case category Mental Health Application to Application for 96 Hour Detention to better reflect the reality that not all applications are for mental health reasons and to be consistent with other labeling of those case types in the State.

Table 1 compares case categorization between the 2008 and 2011 models.

Table 1. Comparison of 2008 and 2011 Clerical Weighted Workload Case Categories

2008 CASE CATEGORIES	2011 CASE CATEGORIES
General Circuit Civil	General Circuit Civil
Time Intensive Circuit Civil/Sexual Predator	Time Intensive Circuit Civil/Sexual Predator
	Asbestos
Simple Circuit Civil	Simple Circuit Civil
Domestic Relations	Domestic Relations
Protection Order	Protection Order
Associate Civil	Associate Civil/Small Claims
Small Claim	
Garnishment & Execution	Garnishment & Execution
Abuse&Neglect/Termination of Parental Rights	Abuse&Neglect/Termination of Parental Rights
Adoption	Adoption
Juvenile Delinquency/Status Offense	Juvenile Delinquency/Status Offense
Circuit Felony	Circuit Felony
Associate Felony	Associate Felony
Misdemeanor/Municipal Certification/Trial de Novo	Misdemeanor/Municipal Certification/Trial de Novo
Traffic/Watercraft/Conservation/Municipal Ordinance	Traffic/Watercraft/Conservation/Municipal Ordinance
Decedent Estate	Decedent Estate
Simple Probate	Simple Probate
Involuntary Detention Petition	Involuntary Detention Petition
Mental Health Application	Application for 96 Hour Detention
Treatment Court Admission	Treatment Court Admission
Passport Issuance	Passport Issuance

C. Changes to 2008 Activity Categories

The goal of a weighted workload study is to account in the time study for all clerical activities. So, the first step of a weighted workload study is to determine *what are, and what are not*, clerical activities, that is, what are a clerk's duties and responsibilities? Clerical activities are not ALL the things a clerk might do during the day. One example that makes the point is

answering a phone call about recording a deed if the Clerk of Court is also Recorder of Deeds. It might be something a clerk does, but it is not one of the clerk's duties and responsibilities.

The second step is to determine which activities can be related to a specific case category (e.g., Felony, Traffic, Domestic Relations). Why? Because activities that can be related to a specific case category can be incorporated into the case weight (the average amount of time required for all the clerical activities for that case category). Why do we care about incorporating activities into the case weight? Because activities that can be incorporated into a case category will increase the weighted workload of a court as filings increase over time.

There is no set rule as to how activities are categorized. In fact, the activity categories do not directly affect the case weights. But, the activity information can be used to see where clerks are spending their time and to help with allocating workload within a court. For example, clerks may not think the time they spend on answering child support collection questions is counted in their workload because it is not counted as a "case". By making child support collection a separate activity code during the time study, it is possible to determine how much time the time study courts spend processing child support collection cases within the Domestic Relations or Protection Order case categories. But, for ease in time study recording, the number of activity categories needs to be reasonable.

The way the clerical activities were grouped for the 2008 and 2011 Clerical Weighted Workload Studies is detailed in Table 2. There was a decrease in the number of activity categories in 2011 because the large number of activity categories in 2008 made time study training and reporting more difficult than previously. The activities in Table 2 are grouped into five main areas: (1) Clerical Activities Associated with a Case Category, (2) Clerical Activities Not Associated with a Case Category, (3) Jury Management Activities, (4) Treatment Court Activities, and (5) Non-Clerical Activities.

There are several differences between the 2008 and 2011 studies.

- a. Except for Child Support Activities and Post-Judgment Activities, all other Case-Related Activities (i.e., Document Processing, Records Management, Response to Requests from the Public) were aggregated in 2011 under the "ALL OTHER" category. Child Support remained separate due to the federal reporting needs for the Title IV-D funds. Post-Judgment activities remained separate because of their volume and the need to show how

much time was credited to them in the model to assure the clerks they were getting credit for the post-judgment activities even though a new case was not opened.

- b. Post-Judgment Activity that had been separately reported in 2008 (i.e., Fines/Fees/Costs/Bonds/Probation Monitoring, Probation Violation, and Civil Motions to Modify) were aggregated in 2011 under the Post-Judgment category. The 2008 categories were aggregated to reduce the reporting burden during the time study.
- c. Five Non-Case-Related Activities Detailing Day-to-Day Management in 2008 were aggregated back to one Day-to-Day Management activity category in 2011. The 2008 categories were aggregated to reduce the reporting burden during the time study.
- d. 2008 Non-Case-Related Activity Categories (i.e., Public Outreach, Justice System Coordination, and Regional/Statewide Programs) were included in Day-to-Day Management in 2011 to minimize the number of activity categories during the time study.
- e. The Juror Summoning/Trial activity was broken down into three separate activities in 2011: Summoning the jurors, contacting the jurors if the trial was cancelled, and managing the jurors during the trial to obtain a better understanding on jury management variability across the State.
- f. The nine Treatment Court activities in 2008 were collapsed into four activity categories; three that involve “clerical” activities - document processing, courtroom duties, and receipting money – and the rest of the activities were grouped into a “non-clerical” activity category to minimize reporting difficulties but still generate the information needed to construct a Treatment Court case weight.

Table 2. Comparison of 2008 and 2011 Clerical Weighted Workload Activity Categories

2008 CASE-RELATED ACTIVITIES	2011 CASE-RELATED ACTIVITIES
Child Support Collection	Child Support Collection
Garnishment and Execution*	NOW A CASE CATEGORY
Fines/Fees/Costs/Bonds/Probation Monitoring	Post-Judgment Fines/ Fees/ Costs/ Bonds/Probation Monitoring/Program Monitoring/Probation Violations/Motions to Modify
Probation Violation	
Motion to Modify	
Case Document Processing/Records Management/Public Requests	ALL OTHER Case-Related Activity in and out of the courtroom
After Hours and Weekend Emergency	
Pro Se Assistance	
Hearing/Trial Sound Recording	
Hearing/Trial Courtroom Clerk Duties	
Coordination of Interpreting	
Auditing Probate Files	
NON-CASE-RELATED ACTIVITIES	NON-CASE-RELATED ACTIVITIES
General Customer Service	General Customer Service
Financial Processing	Financial Processing
Personnel Supervision	Personnel Supervision
Day to Day – Requests	Day-to-Day Management
Day to Day – Reporting	
Day-to-Day – Budget	
Day to Day – Office Management	
Day to Day – Court Support	
Public Outreach	
Justice System Coordination	
Regional/Statewide Programs	
Training/Staff Development	Training/Staff Development
Travel	Travel
Break/Lunch	Break
Leave	Leave

JURY MANAGEMENT ACTIVITIES	JURY MANAGEMENT ACTIVITIES
Jury Qualification-Mailing Questionnaires	Mailing Jury Questionnaires
Jury Qualification-Reviewing Questionnaires	Reviewing Questionnaires and Dealing with Excuses
Jury Summoning/Trial	Summoning the Jurors to Trial
	Contacting Jurors if Trial Cancelled
	Managing the Jury Pool during the Trial
Jury-Post-Judgment	Reimbursing the Jurors and Other Post-Judgment
TREATMENT COURT ACTIVITIES	TREATMENT COURT ACTIVITIES
Document Processing (Keeping the treatment court file)	JIS Docketing and Calendaring for Treatment Court
Courtroom (Performing courtroom clerk duties)	Courtroom Clerk Duties for Treatment Court
Money (Receipting money, financial processing)	Receiving Money and Financial Processing for TC
Communication (W/ other team members or treatment)	ALL OTHER Treatment Court Activities (communication with other team members or treatment staff, attending graduation and other social events, attending management team meetings, preparation of reports for staffings and hearings, attending staffing meetings, responding to participants in-person, on the phone, or email, and attending trainings)
Event (Attending graduations, social events)	
Meeting (Attending management team meetings)	
Preparation (For staffings and hearings)	
Responding to Participants (In-person, phone, or email)	
Other	
NON-CLERICAL ACTIVITIES	NON-CLERICAL ACTIVITIES
Recorder of Deeds	Recorder of Deeds

*Garnishment and Execution time was reported in the time study as an activity, but was later analyzed as data for a case weight.

D. Treatment Court Mini-Time Study

An objective of the 2011 Clerical Weighted Workload Study was to improve the data collection for the Treatment Court case weight by increasing the sample size and refining the definition of “clerical” activities in treatment courts so as to better construct the Treatment Court

case weight. This was necessary for two reasons; not all Main Time Study courts had a treatment court and even if the Main Time Study court had a treatment court often non-court staff performed the clerical activities. To ensure a large enough sample size for the 2011 Clerical Weighted Workload Study all non-metro courts with one or more treatment courts were invited to participate in a Treatment Court Mini-Time Study during the time period of the Main Time Study in October. An effort was made to collect clerical activity whether or not it was performed by a circuit court clerk or non-court staff such as the treatment court administrator (TCA). Treatment courts in Jackson County and the City of St Louis were not originally asked to participate because of a concern that the larger volume of the metro treatment courts would “drive” the Treatment Court case weight, but later participated in the February treatment court addendum time study.

The activity codes for Treatment Court were the same for both the Main Time Study courts and the Treatment Court Mini-Time Study courts. There were three “clerical” activity codes and one “non-clerical” code. The codes are below.

CLERICAL ACTIVITIES FOR TREATMENT COURT

- YC** Courtroom Clerk Duties (e.g., sound recording and minute entries)
- YD** JIS Docketing and Calendaring (all activities related to keeping the treatment court file)
- YE** Receipting Money and Financial Processing (e.g., collecting fines and fees)

NON-CLERICAL ACTIVITIES FOR TREATMENT COURT

- YF** All Other Treatment Court Activities (communication with other team members or treatment staff, attending graduation and other social events, attending management team meetings, preparation of reports for staffing and hearings, attending staffing meetings, responding to participants in-person, on the phone, or email, and attending trainings)

Courts in the Main and Metro Court Time Studies that reported treatment court activity were:

Bates	Adult
Cedar	Adult
Clay	Adult, Family/Juvenile
Greene	Adult, DWI, Family/Juvenile, Adult Mental Health, Intensive Supervision
Iron	Adult
Lafayette	Adult, Domestic Violence

Mississippi	Adult
Pettis	Adult
Saline	Adult
St Francois	Adult
St Louis County	Adult
Sullivan	Adult
Wayne	Adult

The information from Cedar, Clay, Iron, Mississippi, St Francois, and Sullivan was incomplete (i.e., other people doing treatment court “clerical work” were not included in the time study) and their information was not able to be used in the Treatment Court case weight analysis. The Lafayette, Pettis, and Wayne courts had a small amount of “YE” (receipting of money) minutes added to their monthly totals (based on the amount reported by other small courts) to ensure “clerical” completeness because in those courts the Circuit Court did not receipt fees.

Courts that participated in the October Mini-Time Study for Treatment Courts were:

Buchanan	Adult, DWI
Cooper	Adult
Franklin	Adult, DWI
Osage-Gasconade	Adult
Howell	Adult, Family
Lincoln	Adult DWI/Drug
Mercer	Adult DWI/Drug
Ripley	Adult
Scott	Adult DWI/Drug

Information for Howell and Scott was incomplete and was not able to be used in the Treatment Court case weight analysis. The Cooper court had a small amount of “YE” (receipting of money) minutes added to its monthly totals (based on the amount reported by other small courts) to ensure “clerical” completeness.

An addendum treatment court time study focusing on the largest treatment courts in the State was held for one “representative” week in February to increase the sample size further.

These courts were:

City of St Louis	Adult, Family, and Juvenile
Jackson	Adult, Family, and Juvenile
St Charles	Adult, DWI

Adding the February time study doubled the sample size and the total number of usable minutes collected during the time studies was 44,950 minutes. In total, there was information from 30 separate courts in 16 counties and the City of St Louis. The time study minutes were multiplied by either 13 (courts in the 20-day October time study), 26 (St Louis County that had a 10-day time study), or 52 (St Charles, Jackson, and the City of St Louis courts that had a 5-day time study) to estimate 52 weeks worth of treatment court activity.

Table 3 below provides information on the proportion of time reported for the three clerical activity categories of case management, courtroom, and financial. Also note in the column on the far right that some circuit court clerks spend a good deal of time on “non-clerical” treatment court time (e.g., communicating with participants) that they are not getting credit for in the 2011 Clerical Weighted Workload model. The time spent on “non-clerical” treatment court activities is emphasized when the proportion of clerical vs. non-clerical time is examined in Table 4. In six of the courts with relatively low “clerical activity”, Circuit Court staff is spending as much or more time on non-credited non-clerical activities. It should be noted that many of the courts with large enrollments (i.e., Buchanan, St Charles, St Louis County, City of St Louis, and Greene) who stand to gain the most from the Treatment Court case weight are staffed by Circuit Court staff (i.e., staff that are part of the Clerical Weighted Workload FTE), while a few with large enrollments (i.e., Boone, Jackson) are staffed by county employees that are not part of the Clerical Weighted Workload FTE for their county.

Table 3. Proportion of Time Spent on Three “Clerical Activities”

TREATMENT COURT	ANNUAL CLERICAL MINUTES	2010 ADMITS	CASE MANAGE- MENT	%	COURT ROOM	%	RECEIPT MONEY	%	ANNUAL NON- CLERICAL MINUTES
Greene Mental Health	6,760	106	3,640	0.54	3,120	0.46	NA	NA	21,320
45th Circuit - Lincoln Adult + Co-cur	1,105	11	0	0.00	910	0.82	195	0.18	390
Greene Adult	13,780	116	7,020	0.51	3,510	0.25	3,250	0.24	33,280
Greene Intensive Supervision	17,810	142	12,220	0.69	4,940	0.28	650	0.04	17,550
45th Circuit - Lincoln DWI	1,365	10	0	0.00	1,170	0.86	195	0.14	0
Green DWI	16,380	110	5,070	0.31	4,550	0.28	6,760	0.41	21,320
Lafayette DWI/Drug	1,235	7	650	0.53	390	0.32	195	0.16	520
3rd Circuit Drug Court - Mercer	4,732	26	4,290	0.91	91	0.02	351	0.07	15,145
Lafayette Domestic Violence	2,015	11	780	0.39	1,040	0.52	195	0.10	1,690
Buchanan DWI	3,380	17	845	0.25	1,755	0.52	780	0.23	4,719
Cooper Adult	1,365	6	390	0.29	780	0.57	195	0.14	0
St Charles Adult + Co-Occurring	17,680	83	7,280	0.41	10,400	0.59	0	0.00	14,040
Greene Family and Juvenile	13,000	47	9,100	0.70	3,900	0.30	NA	NA	19,240
Pettis Adult	2,275	8	1,040	0.46	1,040	0.46	195	0.09	390
Ripley Adult	2,275	7	1,430	0.63	650	0.29	195	0.09	325
Ripley DWI	325	1	195	0.60	65	0.20	65	0.20	0
St Charles DWI	21,320	67	9,880	0.46	9,360	0.44	2,080	0.10	520
Osage-Gasconade Adult	5,915	12	2,535	0.43	3,380	0.57	0	0.00	0
Buchanan Adult	30,290	61	5,330	0.18	21,385	0.71	3,575	0.12	18,941
St Louis County DWI/Drug	33,540	65	10,140	0.30	17,680	0.53	5,720	0.17	8,580
Jackson Family	64,480	104	22,880	0.35	41,600	0.65	NA	NA	15,600
Franklin Drug and DWI	30,550	43	7,605	0.25	22,360	0.73	585	0.02	0
Saline Adult	6,760	8	520	0.08	6,110	0.90	130	0.02	650
City of St Louis Juvenile	54,340	68	18,720	0.34	35,620	0.66	NA	NA	46,800
Jackson Adult	202,280	219	63,960	0.32	115,960	0.57	22,360	0.11	100,880
Wayne Adult	5,135	5	1,820	0.35	3,120	0.61	195	0.04	1,040
City of St Louis Adult	260,312	267	58,240	0.22	175,552	0.67	26,520	0.10	56,160
Jackson Juvenile	9,880	7	1,560	0.16	8,320	0.84	NA	NA	2,080
City of St Louis Family	39,780	15	3,640	0.09	36,140	0.91	NA	NA	19,760
Bates Adult	8,580	1	2,730	0.32	5,590	0.65	260	0.03	260

Table 4. Proportion of Time Spent on “Clerical” Activities vs. “Treatment Court” Activities by Time Study Courts

TREATMENT COURT	ANNUAL CLERICAL MINUTES	2010 ADMITS	ANNUAL “TC” MINUTES	TOTAL MINUTES	% CLERICAL	% “TC”	“CLERICAL WORK” MOSTLY DONE BY*
Greene Mental Health	6,760	106	21,320	28,080	0.24	0.76	Circuit Court Staff
45th Circuit - Lincoln Adult + Co-Occur	1,105	11	390	1,495	0.74	0.26	Circuit Court Staff & TCA
Greene Adult	13,780	116	33,280	47,060	0.29	0.71	Circuit Court Staff
Greene Intensive Supervision	17,810	142	17,550	35,360	0.50	0.50	Circuit Court Staff
45th Circuit - Lincoln DWI	1,365	10	0	1,365	1.00	0.00	Circuit Court Staff & TCA
Green DWI	16,380	110	21,320	37,700	0.43	0.57	Circuit Court Staff
Lafayette DWI/Drug	1,235	7	520	1,755	0.70	0.30	Circuit Court Staff
3rd Circuit Drug Court - Mercer	4,732	26	15,145	19,877	0.24	0.76	Circuit Court Staff&PJ Sec
Lafayette Domestic Violence	2,015	11	1,690	3,705	0.54	0.46	Circuit Court Staff
Buchanan DWI	3,380	17	4,719	8,099	0.42	0.58	Circuit Court Staff
Cooper Adult	1,365	6	0	1,365	1.00	0.00	Circuit Court Staff & TCA
St Charles Adult + Co-Occurring	17,680	83	14,040	31,720	0.56	0.44	Circuit Court Staff
Greene Family and Juvenile	13,000	47	19,240	32,240	0.40	0.60	Circuit Court Staff
Pettis Adult	2,275	8	390	2,665	0.85	0.15	Circuit Court Staff
Ripley Adult	2,275	7	325	2,600	0.88	0.13	Circuit Court Staff
Ripley DWI	325	1	0	325	1.00	0.00	Circuit Court Staff
St Charles DWI	21,320	67	520	21,840	0.98	0.02	Circuit Court Staff
Osage-Gasconade Adult	5,915	12	0	5,915	N/A	N/A	TCA
Buchanan Adult	30,290	61	18,941	49,231	0.62	0.38	Circuit Court Staff
St Louis County DWI/Drug	33,540	65	8,580	42,120	0.80	0.20	Circuit Court Staff
Jackson Family	64,480	104	15,600	80,080	0.81	0.19	County Staff
Franklin Drug and DWI	30,550	43	0	30,550	N/A	N/A	TCA
Saline Adult	6,760	8	650	7,410	0.91	0.09	Circuit Court Staff
City of St Louis Juvenile	54,340	68	46,800	101,140	0.54	0.46	Circuit Court Staff
Jackson Adult	202,280	219	100,880	303,160	0.67	0.33	County Staff
Wayne Adult	5,135	5	1,040	6,175	0.83	0.17	Circuit Court Staff
City of St Louis Adult	260,312	267	56,160	316,472	0.82	0.18	Circuit Court Staff&Grant
Jackson Juvenile	9,880	7	2,080	11,960	0.83	0.17	County Staff
City of St Louis Family	39,780	15	19,760	59,540	0.67	0.33	Circuit Court Staff
Bates Adult	8,580	1	260	8,840	0.97	0.03	Circuit Court Staff

* Note Circuit Court Staff are FTE in the Clerical Weighted Workload Study. The others (TCA-Treatment Court Administrator, PJ Secretary, and Grant-funded) are not.

E Jury Management Mini-Time Study

Another objective of the 2011 Clerical Weighted Workload Study was to increase the reliability and validity of the jury management credit given in the Clerical Weighted Workload Model, especially in the smaller courts. A one-month time study cannot capture a representative sample of a court's jury management activity if the jury term is longer than one month. The smallest courts usually have the longest jury terms so capturing their information is even more difficult. An effort was made in 2008 to do an addendum jury management study to capture a court's busiest month for jury management which is usually the mailing of the questionnaires and reviewing the returned jury questionnaires. However, it was realized the only way to accurately capture a term's worth of activity was to have a time study that was as long as the court's jury term. With this in mind, an email was sent to all appointing authorities in August 2010 asking for volunteers for a time study focusing only on jury management and lasting as long as the court's jury term. Courts with a jury term of one year were not eligible for the time study and courts with a six-month jury term had to start reporting their time on September 1st to allow for six months of activity before the jury management activity calculations needed to be done in March 2011.

Thirty-one courts reported information on their jury management activities for the length of one term or longer. Courts (listed below) with an asterisk also were in the Main or Metro Time Studies.

Weekly or Less Term

Clay*

Greene*

St Louis County*

One-Month Term

Howell

Three-Month Term

Camden

Carter*

Marion

McDonald

Four-Month Term

Bates*

Clinton

Dent
Holt*
Johnson*
Lafayette*
Lawrence
Mercer
Mississippi*
Monroe
Morgan
Pemiscot*
Pettis*
Ralls*
Saline*
Scott
St Francois*
Stoddard

Six-Month Term

Cedar*
Chariton
Iron*
Ozark
Perry

For the three largest courts in the Main Time Study (St Louis County, Greene, and Clay), all the information needed on jury management was collected as part of the Main Time Study because these courts have one or more terms per week. For the other courts in the Main Time Study, they needed to report jury management activity in addition to the October time. Thirteen of the remaining 20 courts did participate in the longer Jury Management Mini-Time Study for the length of their jury term. For the seven that did not (Carroll, Hickory, Howard, Miller, New Madrid, Sullivan, and Wayne), their jury management activity reported during the Main Time Study was not used in any jury management calculation because one month would not be representative of the whole term. Iron County was removed because of incomplete data, so there was complete jury management data on 30 courts. Jury Management minutes reported during the time studies were multiplied to estimate a year's worth of activity. St Louis County was multiplied by 26, courts in the 20-day Main Time Study were multiplied by 13, courts with a one-month term were multiplied by 12, courts with a three-month jury term were multiplied by 4, courts with a four-month jury term were multiplied by 3, and courts with a six-month jury term were multiplied by 2.

Jury management activities were divided into six categories to help in the analysis. The six activity categories were:

- Mailing questionnaires,
- Reviewing questionnaires and dealing with excuses,
- Summoning the jurors for a trial,
- Contacting jurors when the jury trial is cancelled,
- Managing the jury pool during a trial, and
- Reimbursing jurors and other post-judgment activity.

Table 5 below shows the results of the activity breakdown. Generally, the largest proportion of time is spent reviewing the juror questionnaires and excusing people from jury duty. There is a great amount of variability in how the different counties conduct their jury management activities.

Table 5. Breakdown of Annual Jury Management Time by Activity (N = 30)

COUNTY	MAIL MINUTES	%	REVIEW MINUTES	%	SUMMON MINUTES	%	CANCEL MINUTES	%	HANDLE MINUTES	%	REIMBURSE MINUTES	%	TOTAL
Bates	1,605	8%	10,890	51%	4,170	20%	0	0%	3,300	16%	1,215	6%	21,180
Camden	540	6%	6,556	67%	1,716	17%	0	0%	940	10%	64	1%	9,816
Carter	40	1%	2,860	99%	0	0%	0	0%	0	0%	0	0%	2,900
Cedar	40	1%	2,300	45%	602	12%	40	1%	2,180	42%	0	0%	5,162
Chariton	100	6%	1,386	88%	90	6%	0	0%	0	0%	0	0%	1,576
Clay	3,380	4%	62,530	69%	4,680	5%	0	0%	16,510	18%	3,250	4%	90,350
Clinton	1,170	16%	1,260	17%	1,710	23%	0	0%	2,880	39%	360	5%	7,380
Dent	1,350	13%	4,215	40%	2,340	22%	1,035	10%	1,110	10%	600	6%	10,650
Greene	12,480	8%	50,960	33%	21,190	14%	7,800	5%	54,210	36%	5,980	4%	152,620
Holt	855	20%	2,268	53%	1,125	26%	0	0%	0	0%	0	0%	4,248
Howell	720	3%	17,640	75%	5,160	22%	0	0%	0	0%	0	0%	23,520
Johnson	3,060	9%	6,810	19%	6,960	20%	600	2%	13,770	39%	4,290	12%	35,490
Lafayette	1,827	9%	6,453	30%	3,714	17%	390	2%	6,048	28%	2,796	13%	21,228
Lawrence	990	7%	6,120	43%	6,300	44%	810	6%	0	0%	0	0%	14,220
Marion	1,200	9%	8,120	63%	280	2%	0	0%	2,400	19%	960	7%	12,960
McDonald	1,600	17%	5,704	59%	2,184	23%	160	2%	0	0%	0	0%	9,648
Mercer	996	15%	3,084	48%	936	15%	0	0%	1,335	21%	90	1%	6,441
Mississippi	330	9%	2,370	65%	90	2%	0	0%	645	18%	225	6%	3,660
Monroe	720	19%	2,535	67%	540	14%	0	0%	0	0%	0	0%	3,795
Morgan	750	7%	4,179	40%	3,288	31%	189	2%	2,160	20%	0	0%	10,566
Ozark	350	5%	2,420	35%	2,040	29%	0	0%	1,410	20%	750	11%	6,970
Pemiscot	1,335	12%	5,100	45%	2,835	25%	360	3%	1,515	13%	180	2%	11,325
Perry	370	6%	2,736	43%	1,690	27%	0	0%	1,472	23%	82	1%	6,350
Pettis	2,610	12%	5,205	23%	4,380	20%	1,680	8%	6,540	29%	1,965	9%	22,380
Ralls	4,692	25%	10,638	57%	3,045	16%	330	2%	72	0%	0	0%	18,777
Saline	3,210	13%	8,880	36%	2,985	12%	1,155	5%	7,440	30%	1,290	5%	24,960
Scott	1,170	24%	2,181	45%	1,290	26%	45	1%	105	2%	105	2%	4,896
St Francois	720	2%	10,845	34%	13,140	41%	465	1%	3,210	10%	3,480	11%	31,860
SLC	8,060	3%	140,660	49%	0	0%	0	0%	127,140	44%	13,520	5%	289,380
Stoddard	855	24%	1,155	32%	570	16%	225	6%	360	10%	405	11%	3,570

IV. Construction of 2011 Clerical Weighted Workload Model Components

A. Case Weights

Base Case Weight. The base case weights, core components of the workload model that measure how long it takes to process cases of different case categories, are based on case-related activity minutes reported during the time study and the number of new filings that occurred during the time study. They are constructed using different methodologies depending on sample size and other statistical factors.

Table 6 shows the distribution of activities associated with the case categories. Some points to note:

- For most case categories, by far the majority of time (84 percent on average) is spent doing pre-judgment case processing, records management, and responding to questions from the public.
- Even though the collection of child support monies was centralized some time ago, Child Support Collection activities account for 21 percent of the Domestic Relations minutes (30 percent in 2002, 22 percent in 2005, and 25 percent in 2008).
- One-quarter of the time spent processing traffic tickets is spent on post-judgment collection of fines. This is similar to the 2008 percentage.
- One-third (35 percent) of Circuit Felony clerical time and 24 percent of Misdemeanor clerical time are spent on post-judgment activities.

Table 6. Distribution of Activities Related to Case Categories (in minutes)

CASE CATEGORY	CHILD SUPPORT COLLECTION	POST-JUDGMENT FINES/FEES/COSTS/BONDS /PROBATION & PROGRAM MONITORING/ PROBATION VIOLATION/ MOTIONS TO MODIFY	ALL OTHER CASE- RELATED ACTIVITY	TOTAL
General Circuit Civil	0	13,280 (7%)	180,030 (93%)	193,310
Time Intensive Circ. Civil	0	50 (5%)	980 (95%)	1,030
Simple Circuit Civil	0	15,030 (26%)	42,410 (74%)	57,440
Domestic Relations	86,920 (21%)	38,160 (9%)	296,240 (70%)	421,320
Protection Order	0	6,610 (6%)	104,090 (94%)	110,700
Associate Civil	0	33,510 (8%)	412,650 (92%)	446,160
Small Claim	0	2,710 (10%)	24,800 (90%)	27,510
Execution & Garnishment	0	171,440 (100%)	0	171,440
Adoption	0	860 (6%)	13,100 (94%)	13,960
Abuse & Neglect/TPR	0	1,810 (4%)	49,420 (96%)	51,230
Juvenile Delinquency.	0	880 (4%)	23,100 (96%)	23,980
Circuit Felony	0	107,100 (35%)	201,410 (65%)	308,510
Associate Felony	0	17,500 (15%)	99,940 (85%)	117,540
Misdemeanor/MC/TDN	0	64,010 (24%)	205,460 (76%)	269,470
Traffic/WC/ Conserv./MO	0	47,050 (25%)	138,890 (75%)	185,940
Decedent Estate	0	7,510 (7%)	96,280 (93%)	103,790
Incap./Minor Estate	0	6,460 (6%)	104,410 (94%)	110,870
Simple Probate	0	1,560 (7%)	21,230 (93%)	22,790
Invol. Detention Pet.	0	0	2,110 (100%)	2,110
Mental Health App.	300	3000 (37%)	7,770 (63%)	8,070
Passport Issuance	0	0	2,960 (100%)	2,960
TOTAL	86,920 3%	535,830 20%	2,027,280 77%	2,650,030

Percentages in the first 21 rows represent percentage of time of that activity for that case category. Percentages in the last row represent percentage of time of that activity compared to all activities.

Addition of Non-Case-Related Activity Minutes to Base Case Weight. Table 7 shows the distribution of the non-case related activities by cluster. Some points to note:

- The proportion of Non-Case-Related Time to Total Time increases as courts become smaller although it is not known whether this is a true finding or an artifact of recording (i.e., it is easier for larger, more specialized courts to report case-related activity).
- On average, the time study courts reported 84 percent of their activity was case-related.

Table 7. Distribution of Non-Case-Related Activities by Size Cluster* (in minutes) –
(Non-Case-Related =work-related activities not reported to a specific case category in time study)

NON-CASE-RELATED ACTIVITY	CLUSTER 1	CLUSTER 2	CLUSTER 3	CLUSTER 4	CLUSTER 5	CLUSTER 6	CLUSTER 7
General Customer Service	20,860 2%***	11,180 2%	10,970 3%	7,300 2%	8,440 3%	10,920 3%	14,850 5%
Financial Processing	12,340 1%	8,070 1%	7,480 2%	7,940 3%	11,340 4%	10,140 3%	10,620 4%
Personnel Supervision	24,630 3%	10,970 2%	3,620 1%	2,800 1%	4,610 2%	1,570 <1%	2,330 1%
Day to Day Management	66,330 7%	46,260 8%	29,370 7%	33,730 11%	24,170 8%	24,580 8%	40,070 13%
TOTAL NON-CASE-RELATED TIME	124,160 13%	76,480 13%	51,440 13%	51,770 17%	48,560 17%	47,210 15%	67,870 22%
TOTAL CASE-RELATED TIME**	800,930 87%	502,150 87%	349,890 87%	249,320 83%	242,290 83%	269,320 85%	236,230 78%
TOTAL TIME***	925,090	578,630	401,330	301,090	290,850	316,530	304,100

* Cluster 1 is the largest court (St Louis County) and Cluster 7 is the ten courts with 6 or fewer FTE.

**Not including Treatment Court or Jury Management.

***Percentages are percent of Total Time, not percent of Total Non-Case-Related Time as in previous Clerical Weighted Workload Reports.

A decision to make in building a workload model is whether to incorporate the “non-case-related” activities directly into the case weight or to credit the workload with the non-case-related activities elsewhere in the workload model. Non-case-related activities are clerical activities such as personnel or financial processing activities that are not directly related to a specific case. In the 2011 time study, the following non-case-related activities were collected.

- General Customer Service
- Financial Processing
- Personnel Supervision
- Day-to-Day Management
- Training and Staff Development
- Work-Related Travel

In previous and the current Clerical Weighted Workload Models, Training and Staff Development and Work-Related Travel were separated from the other non-case-related activities and handled differently. For Training and Staff Development, rather than use the amount of reported activity during the time study, a policy decision on the number of days per year per staff is incorporated into the model by deducting the days from the amount of days available to work during the year. This way, if a court is too tight on time or resources to allow for staff to have training and staff development, these days can be built into the model (*see* Section IV. C). Travel is also handled differently in the model and counties are given a daily travel credit, mostly dependent on the size of the court (*see* Section IV. D).

In the 23 courts in the Main and Metro Time Studies, the reported proportion of non-case-related activities ranged from 7 to 33 percent (*see* Table 8). There is no relationship between proportion of non-case-related activities and size of the court. Because it is easier in some courts than others to report activities by case category rather than report activities as non-case-related, adding the non-case-related activities proportionally to the minutes reported for case-related work can “even out” the time study information used for case weight construction between different courts (for example, Lafayette (13 percent) and Pemiscot (21 percent) in Table 8) and make for a better fitting model.

Table 8. Percentage of Non-Case-Related Minutes by County

COUNTY	CASE-RELATED MINUTES	NON-CASE-RELATED MINUTES	TOTAL	% NON-CASE-RELATED MINUTES	FTE	CLUSTER
St Louis Cty	800,930	124,160	925,090	0.13	227.0	1
Greene	502,150	76,480	578,630	0.13	72.0	2
Clay	349,890	51,440	401,330	0.13	48.0	3
St Francois	153,040	29,290	182,330	0.16	21.0	4
Pettis	96,280	22,480	118,760	0.19	15.0	4
Lafayette	92,520	13,990	106,510	0.13	14.0	5
Johnson	81,190	16,750	97,940	0.17	13.0	5
Pemiscot	68,580	17,820	86,400	0.21	12.0	5
Mississippi	63,590	7,600	71,190	0.11	8.0	6
Saline	58,970	9,510	68,480	0.14	9.0	6
Miller	56,170	12,110	68,280	0.18	8.0	6
New Madrid	45,720	11,740	57,460	0.20	8.0	6
Bates	44,870	6,250	51,120	0.12	7.0	6
Wayne	35,960	7,970	43,930	0.18	6.0	7
Cedar	27,830	8,360	36,190	0.23	5.0	7
Iron	26,680	3,510	30,190	0.12	4.0	7
Howard	23,450	10,200	33,650	0.30	3.5	7
Ralls	23,630	8,160	31,790	0.26	3.0	7
Carroll	20,370	9,900	30,270	0.33	3.0	7
Hickory	20,330	4,900	25,230	0.19	3.0	7
Holt	19,330	8,020	27,350	0.29	2.5	7
Carter	19,420	5,240	24,660	0.21	4.0	7
Sullivan	19,230	1,520	20,750	0.07	4.0	7

The information in Table 9 shows how non-case-related minutes are proportionally distributed to the different case categories. For example, Greene County reported 76,480 minutes of non-case-related activities (i.e., General Customer Service, Financial Processing, Personnel Supervision, and Day-to-Day Management) that were not directly related to a specific case category. There were 502,150 minutes that were related to a specific case category.

Table 9. Greene County: Addition of Non-Case-Related Minutes to Case-Related Minutes

CASE CATEGORY	CASE-RELATED MINUTES	NON-CASE-RELATED MINUTES	TOTAL MINUTES
Associate Civil	73,520	11,197	84,717
Small Claim	1,600	244	1,844
Simple Circuit	6,020	917	6,937
Circuit Civil	27,630	4,208	31,838
Domestic Relations	95,520	14,548	110,068
Protection Order	20,820	3,171	23,991
Associate Felony	37,100	5,651	42,751
Circuit Felony	64,400	9,808	74,208
Misdemeanor	72,550	11,050	83,600
Traffic	19,310	2,941	22,251
Time Intensive	210	32	242
Adoption	1,330	203	1,533
Abuse & Neglect/TPR	12,610	1,921	14,531
Juvenile Delinquency	760	116	876
Execution & Garnishment	18,240	2,778	21,018
Decedent Estate	21,820	3,323	25,143
Incapacitated/Minor Estate	18,010	2,743	20,753
Simple Probate	8,420	1,282	9,702
Involuntary Detention Petition	140	21	161
Mental Health Application	2,140	326	2,466
Passport Issuance	0	0	0
TOTAL	502,150	76,480	

The 76,480 non-case-related minutes were added to the base case-related minutes according to what percentage the particular case category was of the whole. For example, the case category Associate Civil comprises 14.64 percent (73,520/502,150) of the total case-related minutes. So, Associate Civil receives 14.6 percent of the non-case-related minutes or 11,197

minutes. The assumption is that case categories that take more of the clerk's time also need proportionally more non-case-related time. By doing this, courts receive a certain amount of non-case-related activity for each new filing. The 2002, 2005, and 2008 Clerical Weighted Workload Studies used this methodology to incorporate the non-case-related activity into the model.

Mean and Median Methodology Calculations for the Main and Metro Time Study Case Weights. Statewide case weights can be constructed in two ways—the Median Method and the Mean Method. Both methods depend on a time study to collect information on how long it takes to process the different case categories. The methods differ in how the time study information is analyzed. Both methods were used to construct the case weights for the 2011 Clerical Weighted Workload Model—the Median Method for case weights with a larger sample size and the Mean Method for those where time study information was insufficient for the Median Method.

In the Median Method, similarly sized courts are clustered into groups that will yield statistically reliable case weights. The 23 time study courts were grouped into seven clusters from largest to smallest courts. The cluster with the smallest courts had six or fewer clerical staff in each court. Case weights for each case category were constructed for each cluster using the Median Method where sample size allowed. This is done by dividing the total number of minutes (Case-Related plus Non-Case-Related) in a cluster by the number of new filings in a cluster. For example, the Circuit Felony case weight for Cluster 2 (Greene County) was calculated by dividing 74,208 minutes by the 166 new Circuit Felony filings opened in Greene County during the time study. The result is a case weight for Cluster 2 for Circuit Felony of 447. When a cluster is composed of more than one court, all the minutes are added together for a particular case category from each court and then divided by the total number of new filings from each court. As a general statistical rule of thumb, at least 30-35 filings are needed for each case category in a cluster to construct a case weight by the Median Method. *See Table 10 – Calculation of 2011 Statewide Case Weights by Median and Mean Methods.*

In the Median Method, the median case weight of the cluster case weights is chosen to represent the statewide case weight. For example, the median Traffic case weight used to represent the statewide case weight comes from Cluster 7. By using the Median Method, courts of all sizes can represent the statewide case weight. In the Mean Method, the largest courts can unduly influence the statewide case weight if they provide the majority of the time study

Table 10. Calculation of 2011 Case Weights by Median and Mean Methods

CASE CATEGORY	CLUSTER CASE WEIGHTS RANGE (Case-Related + Non-Case-Related)	MEDIAN	MEAN	2008 CW
GENERAL CIRCUIT CIVIL	211 (2) 273 (4) 291 (6) • 357 (1) 397 (3) 743 (5)	324	365	624
TIME INTENSIVE CIRCUIT CIVIL	2X GENERAL CIRCUIT CIVIL	648		1248
ASBESTOS	5X TIME INTENSIVE CIRCUIT CIVIL	3240		1248
SIMPLE CIRCUIT CIVIL	13 (1) 15 (2) 22 (3) 35 (5) 42 (6) 48 (7) 56 (4)	35	22	30
DOMESTIC RELATIONS	327 (4) 453 (1) 484 (3) 512 (2) 559 (6) 610 (7) 631 (5)	512	486	428
PROTECTION ORDER	83 (2) 107 (5) 157 (1) 164 (6) 165 (3) 167 (4) 168 (7)	164	134	139
ASSOCIATE CIVIL/SMALL CLAIMS	90 (3) 90 (2) 118 (4) 122 (1) 130 (5) 143 (6) 187 (7)	122	113	136/115
EXECUTIONS & GARNISHMENTS	27 (1) 29 (2) 30 (3) 55 (6) 59 (7) 70 (4) 71 (5)	55	35	50
ABUSE & NEGLECT/TPR	264 (2)		521	489
ADOPTION			348	232
JUVENILE DELINQUENCY			387	408
CIRCUIT FELONY	382 (5) 439 (1) 447 (2) 515 (6) 538 (3) 687 (4) 1008 (7)	515	507	562
ASSOCIATE FELONY	107 (6) 111 (1) 134 (7) 166 (5) 175 (4) 196 (3) 205 (2)	166	153	161
MISDEMEANOR	64 (1) 151 (2) 186 (3) 194 (5) 204 (6) 273 (4) 289 (7)	194	173	225
TRAFFIC	42 (6) 62 (5) 62 (4) 67 (7) 85 (2) 85 (3) 123 (1)	67	74	72
DECEDENT ESTATE	1009 (1)		1141	1137
INCAPACITATED/MINOR ESTATE	1013 (1)		1012	1116
SIMPLE PROBATE	148 (1) • 173 (2)	160	115	115
INVOLUNTARY DETENTION PETITION			120	160
MENTAL HEALTH APPLICATION	24 (1) • 56 (2)	40	58	38
TREATMENT COURT	64 119 125 149 213 277 318 497 • 516 571 620 710 757 799 924 975	506	533	653
PASSPORT ISSUANCE	38 (6)		40	20

The number in () after the case weight is the cluster number. The smaller the number is, the larger the court. For example, (1) is St Louis County and (7) is the ten courts with 6 or fewer FTE. Bold black font or the symbol • signifies the median. 2011 Clerical Weighted Workload case weights are in ***bold italics***.

minutes. Twelve of the 2011 statewide case weights were constructed using the Median Method. All things being equal, the case weight constructed by the Median Method is the recommended case weight to represent the statewide case weight. Both the Median and the Mean are “averages” but the Median is less affected by very low or very high values which makes it a more robust statistic.

When sample size is small, the Mean Method must be used to create the statewide case weight. In the Mean Method all minutes collected for a case category, irrespective of what court collected the minutes, are added together and statewide filings are used to create the case weight. For example, the Adoption case weight of 348 was created by dividing the total number of minutes reported by all 23 courts (16,372) by the number of new Adoption filings (47) for those 23 courts during the time study. Table 9 shows eight of the case weights were constructed using the Mean Method.

Calculation of the Circuit Civil Time Intensive and Asbestos Case Weights. The calculation of the Circuit Civil Time Intensive and Asbestos case weights is dependent upon the General Circuit Civil case weight. Assuming that the number of docket entries is a good surrogate for the amount of clerical work a case type generates, the Circuit Civil Time Intensive case weight is double the General Circuit Civil case weight (i.e., the median number of docket entries is double (40 compared to 20)) or 648 minutes. The Asbestos case weight is five times the Time Intensive Circuit Civil case weight (i.e., median number of docket entries is approximately fivefold (204 compared to 40)) or 3240 minutes.

Both the Mean and Median Methods use the number of new filings as the denominator in their calculations. Table 11 shows what cases are counted and not counted as new filings in the 2011 Clerical Weighted Workload Model.

Table 11. Cases Counted and Not Counted as New Filings

CASE CATEGORY	COUNTED AS NEW FILING	NOT COUNTED AS A NEW FILING
Civil/ Small Claim	Change of Venue Eminent Domain Exceptions Trial de Novo Garnishment/Execution	Judgment Set Aside Contempt Certified Examination Judgment Debtor Revival of Judgment/Scire Facias
Felony/ Misdemeanor/ Traffic	Change of Venue Trial de Novo Felony Indictment or Information	Certified for Jury Trial Withdrawn Guilty Plea Appeal Remand Probation Violation Out of State Witness Motion to Withdraw Guilty Plea FCC Motion to Withdraw Guilty Plea
Protection Order		Reopening of original for extension or modification Contempt
Juvenile		Reopening of original for extension or modification Permanency Planning Motion Referrals
Domestic Relations	Family Access Filed by Third Party	Family Access Subcases Judgment Set Aside Motion to Modify Contempt Modification of Administrative Order Modification of Registration of Foreign Judgment UIFSA/URES A Initiating
Probate	All Mental Health Subcases, Excluding Treatment-out- of-County 1 st Subcase for Decedent Estates on Abbreviated Matters and Non-case Master Case 1 st Subcase for Incapacitated –Minor Estates on Stand- by Guardianships 1 st Subcase for Abbreviated Matters on Non-case Master Case	Treatment-Out of County Adversary Proceeding-Jackson County
General	Foreign/Non-Case Documents	

Mean and Median Methodology Calculations for the Treatment Court Case Weight. Although counties with treatment courts were targeted as Main Time Study courts in the 2002 and 2005 Clerical Weighted Workload Models, insufficient

information was collected and the time study minutes were added to the Felony (for adult treatment courts) and Juvenile Delinquency (for juvenile treatment courts) case weights. In the 2008 Clerical Weighted Workload Model the Treatment Court case weight was 653 and was applied to all new admissions regardless of type of treatment court. The case weight was estimated from predicted values because most courts did not provide enough information. In the 2011 study, the Treatment Court case weight (based only on the three “clerical” activities) was calculated the same way as the other 2011 case weights—using both the Median and Mean Methods, but Treatment Court Admissions were used in the calculation in place of filings.

Using the same 30-35 “filings” per case category rule, courts with fewer than 30-35 new admissions were clustered together. One cluster was courts with fewer than ten new admissions a year and the other was courts with 10 to 26 new admissions. The case weight for the <10 cluster is 757 minutes and the case weight for the 10-26 cluster is 571 minutes. These two new “clustered” case categories can be added to the range of case weights for a total of 16 clusters with admissions more than 35 per year (*see* Table 12). The median case weight for these 16 clusters is 506 minutes and the mean case weight is 533 minutes. The Clerical Weighted Workload Task Team approved the use of the median (506 minutes) as the Treatment Court case weight.

Table 12. Treatment Court Case Weights with Clusters (N = 16)

TREATMENT COURT	ANNUAL CLERICAL MINUTES	2010 ADMITS	CASE WEIGHT	JUVENILE	FAMILY	DWI	ADULT DRUG	MENTAL HEALTH	INTENSIVE SUPERVISION
Greene Mental Health	6,760	106	64					64	
Greene Adult	13,780	116	119				119		
Greene Intensive Supervision	17,810	142	125						125
Green DWI	16,380	110	149			149			
St Charles Adult + Co- Occurring	17,680	83	213				213		
Greene Family and Juvenile	13,000	47	277		277				
St Charles DWI	21,320	67	318			318			
Buchanan Adult	30,290	61	497				497		
MEDIAN CW			506						
St Louis County DWI/Drug	33,540	65	516				516		
<i>10 - 26 Small Court Cluster</i>	58,292	102	571						
Jackson Family	64,480	104	620		620				
Franklin Drug and DWI	30,550	43	710				710		
<i>< 10 Very Small Court Cluster</i>	37,830	50	757						
City of St Louis Juvenile	54,340	68	799	799					
Jackson Adult	202,280	219	924				924		
City of St Louis Adult	260,312	267	975				975		

B. Annual Filings

The weighted workload is calculated by multiplying the individual case weights by their case types' annual filings. In the 2011 Clerical Weighted Workload Study, the last three years of filings are averaged together to present a truer picture of the volume of cases going through the courts. This is important especially for the smaller courts which have wider swings in caseload because of their smaller volume of cases. It is also important for the less frequent case types such as Juvenile Abuse and Neglect that have larger case weights and stay open for longer periods of time. The filings used were the last three calendar years – CY08, CY09, and CY10 for all the case weights except Treatment Court. Because some treatment courts are relatively new and do not have a three-year history of full participation, the number used for the Treatment Court Annual Admissions is the average of the last three years or the most current, whichever is higher.

C. Average Annual Availability

An important component of the Clerical Weighted Workload model is the “Clerk Year” or Average Annual Availability – the amount of time in a year (a combination of the number of work days and length of the work day) a clerk is available to work on the clerical workload. The number of days in a year is calculated by subtracting weekends, state holidays, training days, annual leave days, and sick and other leave days from the 365 days of a year. Information on non-work days gathered in the time study is not used to determine the number of days in the Average Annual Availability. The Clerical Weighted Workload Task Team decides the number of days in the Average Annual Availability based on human resource information and other policy.

State Holidays. In a memorandum dated November 2, 2010, Chief Justice William Ray Price, Jr. directed that judicial offices will be closed on the following 12 state holidays during CY 2011:

New Year's Day	Friday	December 31, 2010
Martin Luther King, Jr. Day	Monday	January 17, 2011
Lincoln Day (observed)	Friday	February 11, 2011
Washington's Birthday	Monday	February 21, 2011
Truman Day (observed)	Monday	May 9, 2011
Memorial Day	Monday	May 30, 2011
Independence Day(observed)	Monday	July 4, 2011
Labor Day	Monday	September 5, 2011
Columbus Day	Monday	October 10, 2011

Veterans Day	Friday	November 11, 2011
Thanksgiving Day	Thursday	November 24, 2011
Christmas Day (observed)	Monday	December 26, 2011.

Traditionally, the Governor of Missouri grants the day after Thanksgiving as the 13th State Holiday. The 2011 Clerical Weighted Workload Task Team approved 13 days of State Holiday deduction in the 2011 Model.

Training and Staff Development Days. Training and Staff Development is a non-case-related activity collected during the Main and Metro Time Studies, as it was in previous time studies. The Time Study Training Manual includes the following activities under Training and Staff Development:

- Traveling to trainings and conferences,
- Attending OSCA sponsored conferences,
- Attending a national conference,
- Receiving orientation as new staff member, and
- Receiving in-service training.

As in past studies, Training and Staff Development minutes collected during the time studies were not used to calculate a Training and Staff Development deduction because clerks are not able to attend all available trainings because of under-staffing in their office. Previously, Training and Staff Development days were credited as four per year, or one per quarter per FTE to build time into the Clerical Weighted Workload Model for Training and Staff Development by deducting more days from the Average Annual Availability than is currently being taken for Training and Staff Development. The 2011 Clerical Weighted Workload Task Team approved five days of Training and Staff Development per FTE per year to take advantage of the additional web-based training offered by OSCA in addition to the classroom and web seminar training they have always offered. The web-based training can be taken at any time to fit into a clerk's schedule and should be encouraged.

Leave Days. Information on clerical annual leave and sick and "other" leave was obtained from the SAMII system for the calendar years 2009 and 2010. This database does not contain information on Circuit Clerk leave days so when calculating a per FTE statistic, the Circuit Clerk must be subtracted from the total FTE (two subtractions for Marion County). The yearly data was analyzed and then averaged together for a final result.

For Annual Leave in 2009, the mean number of hours per FTE is 114.8 (14.4 days) and the median number of hours is 115.7 (14.5 days). The numbers are similar in 2010; the mean number of hours per FTE is 121.6 (15.2 days) and the median number of hours is 121.4 (15.2 days). The average number of days of annual leave per FTE for the two-year period is a mean and median of 118 hours or 14.75 days. The Clerical Weighted Workload Task Team approved the deduction of 15 days for Annual Leave from the Average Annual Availability.

For Sick Plus Other Leave in 2009, the mean number of hours per FTE is 75.0 hours (9.4 days) and the median number of hours is 76.3 (9.5 days). The numbers are similar in 2010; the mean number of hours per FTE is 80.4 hours (10.0 days) and the median number of hours is 79.5 (9.9 days). The average number of days of annual leave per FTE for the two-year period is a mean of 77.6 hours (9.7 days) and median of 78.4 hours (9.8 days). The Clerical Weighted Workload Task Team approved the deduction of 10 days for Sick Plus Other Leave from the Average Annual Availability.

The values for Annual Leave and Sick and Other Leave were the same based on the 2006 and 2007 data in the 2008 Clerical Weighted Workload Study.

Length of Work Day. Besides deciding how many days need to be deducted from the work year, the Average Annual Availability calculation also needs the average length of the work day, i.e., the number of minutes available during the day to process the workload and other non-clerical related activities. Full-time equivalent (FTE) state employees in Missouri work an 8-hour, or 480-minute day. Not all the courts offer official breaks, but some do (usually 10 or 15 minutes in the morning and 10 or 15 minutes in the afternoon). In reality, in all courts employees take breaks from their work for restroom visits and other personal activities.

A “break code” was available in the 2011 Clerical Weighted Workload Main and Metro Time Studies, but Break time was not entered into the time study database to encourage clerks to use the code to signify time when work was not being done even if their clerk’s office did not have an official policy on breaks. Over-reporting of work when a time study participant is not working leads to inflated case weights so participants are encouraged to not feel that they have to put a “work” code in every time slot. So, there is no information from the time study on how many minutes of break or lunch were reported. The 2011 Clerical Weighted Workload Task Team approved two 15-minute deductions from the 480-minute day to cover time realistically lost, on average, to personal non-work such as restroom breaks, trips to the vending machine, and personal phone calls. The result is a 450-minute work day.

D. Work-Related Travel Demand

Daily Credit for All Courts. The time study training manual gave examples of Work-Related Travel (not including commuting) as:

- To the post office or bank or other court-related errands,
- To off-site storage facilities,
- To a second courthouse in your circuit,
- To off-site committee meetings,
- To prison/detention center for hearings, and
- To mental hospital for detention and 21-day hearings.

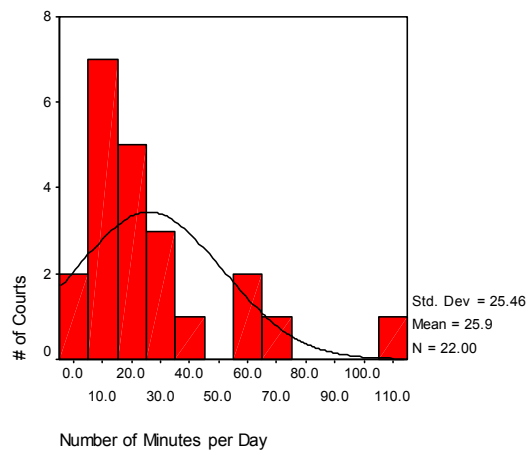
[NOTE: Travel to training or a conference is recorded under Training and Staff Development].

Time spent walking long distances within the courthouse was not recorded during the time study as Work-Related Travel but as whatever case category or non-case-related activity it involved. Participants were instructed Work-Related Travel involved going outside. Daily Work-Related Travel is credited on a court, not individual, basis. The following values were reported during the Main and Metro Time Studies (*see* Table 13 below). Two courts did not report any travel times and daily minutes ranged from 0 to 107 minutes. The mean is 25.91 minutes and the median is 19.50 minutes. The right-skewed distribution of daily travel times (*see* Chart 1 below) argues for choosing the median for the statewide average and 20 minutes was chosen by the Clerical Weighted Workload Task Team as the base Daily Travel Credit for all courts. In the model it is assumed that Daily Travel occurs 248 days per year because it is based on how many days a year the court is open (i.e., 261 week days minus 13 State Holidays).

Table 13. Travel Time Reported During the Main and Metro Time Studies

COUNTY	TRAVEL TOTAL	DAILY
Carroll	0	0
Sullivan	0	0
Clay	40	2
Hickory	140	7
Howard	140	7
New Madrid	160	8
Greene	180	9
Mississippi	180	9
Ralls	200	10
Bates	260	13
Miller	300	15
Cedar	380	19
St Francois	390	20
Johnson	400	20
Carter	480	24
Holt	510	26
Pettis	520	26
Iron	670	34
Wayne	740	37
Pemiscot	1100	55
Saline	1130	57
Lafayette	1299	65
St Louis County	1070	107

Chart 1. Distribution of Daily Travel Times



Second Courthouse Travel. The non-metro counties with two courthouses and one circuit clerk (i.e., Cape Girardeau, Jasper, and Randolph) were contacted and queried as to the average amount of travel during the work day between the two courthouses over the course of a year. Cape Girardeau reported 10,500 minutes a year (3.5 roundtrips per week at 60 minutes each) for inter-courthouse travel time. Jasper reported 18,000 minutes a year (1 daily plus 1 weekly round trip at 60 minutes each) and Randolph reported 13,500 minutes a year (9 roundtrips/week at 30 minutes each) for inter-courthouse travel time. Each courthouse also receives the daily travel time all courts receive to go to the bank or the post office. The Clerical Weighted Workload Task Team approved these Second Courthouse Travel times.

Intra- and Inter-Building Travel in the Large Courts. In the larger courts, and especially in the metro courts, there is travel time within the courthouse that takes time away from the work day and this should be deducted from the Average Annual Availability. For example in Jackson County the main courthouse is 11 stories high and the elevators are slow. A similar situation exists in the City of St Louis and St Louis County main courthouses. In addition, the metro courts have multiple court buildings. Jackson County has four court buildings in addition to the main office building; one is a half hour away in Independence, one is fifteen minutes away in downtown Kansas City, and two buildings are across the street from the main courthouse. The City of St Louis has two courthouses across the street from one another as well as a storage area several blocks away where clerks go regularly to retrieve closed files. St Louis County has the Justice Center several blocks down the street from their main courthouse. Also, in the St Louis County main courthouse clerks must go through the security lines with the public and some areas of the main courthouse are outside the secure area.

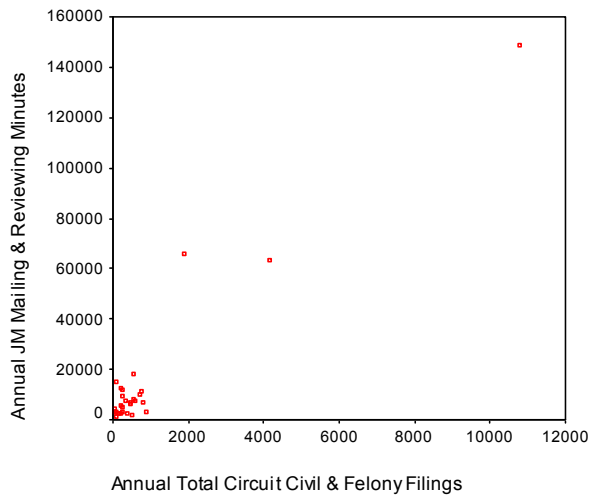
The 2005 and 2008 Clerical Weighted Workload Models incorporated “intra-building” travel time of 15 minutes per day per FTE for the metro courts (Jackson, City of St Louis, and St Louis County) and 5 minutes per day per FTE for the larger courts of St Charles, Greene, Jefferson, Clay, Boone, and Buchanan. These times were based on a reasonable estimate of the average amount of time lost per FTE per day. There is no intra-building time collected during the time study. The Clerical Weighted Workload Task Team approved the same times for the 2011 Clerical Weighted Workload Model.

E. Jury Management Demand

It was possible to do a more accurate analysis of the jury management data for the 2011 Clerical Weighted Workload Model than previous Clerical Weighted Workload Models because complete jury term time study information was available for 30 courts. The statistical analysis was bifurcated to ensure the smaller courts were handled equitably and received credit for time spent pulling the jury pool even if there were no jury trials that term and also to ensure the larger courts were handled equitably and received credit for time spent on jury management during jury trials if their county had a large number of jury trials. To do this, the jury management activities were separated into two groups depending on whether (1) the activity was conducted each term – the mailing and reviewing of questionnaires, or (2) the activity was conducted only if a jury trial was scheduled – summoning jurors, handling jurors during trial, reimbursing jurors, and contacting jurors if a trial was cancelled – or jury management “trial” minutes.

The first part of the analysis was a regression analysis using the sum of a year’s worth of Circuit Civil and Circuit Felony filings (from the Missouri Judicial Report FY10 pp. 26-32) to estimate the number of minutes spent mailing and reviewing questionnaires. There is a very statistically significant linear relationship ($r^2 = .921$) between the filings and the mailing/reviewing minutes so the sum of the Circuit Civil and Circuit Felony filings can be used to predict the estimated number of minutes to mail and review questionnaires for each of the 115 courts. Chart 2 shows the relationship of the filings with the number of minutes spent on mailing and reviewing questionnaires for the year. The dot in the upper right is St Louis County, the one below that is Greene County, and the one to the left of Greene is Clay. The cluster of courts in the lower left are the smaller courts.

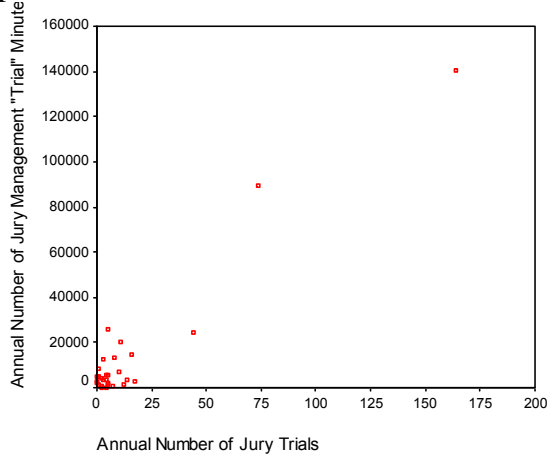
Chart 2. Scattergram of Number of Filings and Number of Jury Management Mailing and Reviewing Questionnaires Minutes



The second part of the analysis was a regression analysis using the annual number of Circuit Court jury trials and the annual number of Circuit Court jury trial days for each county (from the Missouri Judicial Report FY10, pp. 198-199) to estimate the number of minutes spent on summoning, handling jurors during trial, reimbursing or contacting jurors if there was a cancelled jury trial – the jury management “trial” times. Here, the number of jury trials and jury trial days are a better estimate of the second stage of jury management time than the number of Circuit Civil and Felony filings because counties with a similar number of filings may have a different percentage of jury trials due to the counties having different legal cultures.

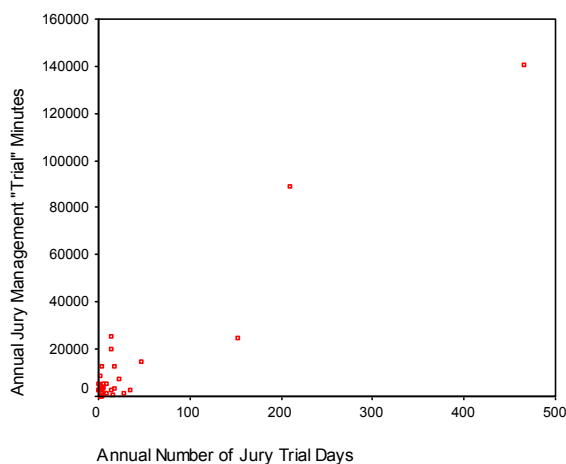
There is a very statistically significant linear relationship ($r^2 = .920$) between the number of jury trials and the “trial” stage of jury management so the number of jury trials can be used to predict the estimated number of minutes to summon, handle, reimburse, and contact jurors for each of the 115 courts. Chart 3 shows the relationship of the number of jury trials with the number of minutes spent on jury management “trial” minutes for the year based on the annual number of jury trials. The dot in the upper right is St Louis County, the next dot is Greene County, and the third dot is Clay County. The remaining time study courts are in the lower left corner.

Chart 3. Scattergram of Annual Number of Trials and the Number of Jury Management Minutes Spent on “Trial” Activities in a Year



A second predictor of jury management “trial” activities, the number of jury trials days, is also a very strong predictor of the annual number of minutes spent on jury management “trial” activities ($r^2 = .912$). Thus, the number of jury trial days also can be used to predict the estimated number of minutes to summon, handle, reimburse, and contact jurors for each of the 115 courts. Chart 4 shows the relationship of the number of jury trial days with the number of minutes spent on jury management “trial” minutes for the year. The dot in the upper right is St Louis County, the next dot is Greene County, and the third dot is Clay County. The remaining time study courts are in the lower left corner.

Chart 4. Scattergram of Annual Number of Jury Trial Days and the Number of Jury Management Minutes Spent on “Trial” Activities in a Year



The minutes used to estimate total jury management credit for the 115 courts in the 2011 Clerical Weighted Workload Model are the sum of the estimated minutes from the first part of the analysis and the higher of the two values from the second part of the analysis (*see* Table 14). Courts are ranked from smallest Clerical Weighted Workload 2011 credit to largest Clerical Weighted Workload 2011 credit. The 2011 credit is shown in the last column as hours per month per court, not per individual.

Table 14. 2011 Proposed Jury Management Credit in Hours/Month (Smallest to Largest)

COUNTY	FY10 CIRCUIT CIVIL + FELONY FILINGS	FY10 CIRCUIT CIVIL + CRIMINAL TRIALS	FY10 CIRCUIT CIVIL + CRIMINAL TRIAL DAYS	2002 JURY MANAGE- MENT CREDIT HRS/MON	2005 JURY MANAGE- MENT CREDIT HRS/MON	2008 JURY MANAGE- MENT CREDIT HRS/MON	2011 JURY MANAGE- MENT CREDIT HRS/MON	JURY MANAGE- MENT TIME STUDY REPORT HRS/MON
Knox	25	0	0	11	26	16	8	
Worth	26	0	0	10	13	16	8	
Mercer	56	0	0	9	13	16	9	9
Atchison	55	0	0	13	24	16	9	
Dade	59	1	1	12	36	16	9	
Gentry	46	0	0	11	16	16	9	
Putnam	44	0	0	11	22	16	9	
Schuyler	47	1	1	9	22	16	9	
Holt	46	1	3	10	14	16	10	6
Cedar	125	0	0	22	88	16	10	7
Barton	90	1	2	19	71	16	10	
Clark	79	2	2	14	44	16	10	
Grundy	114	0	0	20	14	16	10	
Lewis	101	0	0	16	28	16	10	
Maries	82	0	0	11	48	16	10	
Oregon	92	1	1	16	70	16	10	
Reynolds	77	1	1	16	14	16	10	
Scotland	28	2	4	10	14	16	10	
Shannon	67	2	2	18	49	16	10	
Carter	98	2	2	17	18	16	11	4
Monroe	56	2	6	16	14	16	11	5
Carroll	85	2	3	15	40	16	11	
Hickory	106	1	2	15	14	16	11	
Osage	69	3	3	13	93	16	11	
Ripley	174	0	0	19	18	16	11	
Shelby	76	2	5	15	74	16	11	
St Clair	106	1	3	15	22	16	11	

COUNTY	FY10 CIRCUIT CIVIL + FELONY FILINGS	FY10 CIRCUIT CIVIL + CRIMINAL TRIALS	FY10 CIRCUIT CIVIL + CRIMINAL TRIAL DAYS	2002 JURY MANAGE- MENT CREDIT HRS/MON	2005 JURY MANAGE- MENT CREDIT HRS/MON	2008 JURY MANAGE- MENT CREDIT HRS/MON	2011 JURY MANAGE- MENT CREDIT HRS/MON	JURY MANAGE- MENT TIME STUDY REPORT HRS/MON
Dent	220	0	0	18	32	16	12	15
Ralls	67	4	5	14	13	16	12	26
Bollinger	95	3	3	13	22	16	12	
Daviess	132	2	3	14	15	16	12	
Harrison	114	3	4	20	21	16	12	
Howard	99	3	3	18	18	16	12	
Madison	137	3	3	23	16	16	12	
Moniteau	93	3	4	19	46	16	12	
Sullivan	74	4	5	13	74	16	12	
Wayne	185	0	0	33	17	16	12	
Chariton	81	4	4	15	11	16	13	2
Clinton	216	1	1	22	220	16	13	10
Bates	197	1	2	28	19	17	13	29
Andrew	143	1	5	14	16	16	13	
Caldwell	204	2	2	14	24	16	13	
Macon	169	3	5	27	14	16	13	
Ozark	170	2	6	17	11	16	14	10
Gasconade	133	4	5	21	16	16	14	
Perry	259	3	3	24	36	16	15	9
Saline	267	3	4	38	20	23	15	35
Cooper	269	2	4	27	497	16	15	
DeKalb	196	1	7	24	85	16	15	
Linn	95	6	11	18	115	16	15	
Ste Genevieve	231	4	6	24	18	16	15	
Texas	349	0	0	29	12	22	15	
Vernon	292	2	3	31	33	17	15	
Livingstone	212	5	8	26	41	16	16	
Ray	210	5	6	30	41	22	16	
Benton	188	6	13	27	15	16	17	
Miller	404	2	3	41	44	27	17	
Morgan	248	5	5	31	17	18	17	
Polk	289	4	8	28	19	25	17	
Webster	322	4	8	25	24	25	17	
Pemiscot	469	1	2	48	17	35	18	16
Audrain	245	6	12	29	13	27	18	
Dallas	201	5	15	24	27	16	18	
Wright	292	5	9	27	28	20	18	

COUNTY	FY10 CIRCUIT CIVIL + FELONY FILINGS	FY10 CIRCUIT CIVIL + CRIMINAL TRIALS	FY10 CIRCUIT CIVIL + CRIMINAL TRIAL DAYS	2002 JURY MANAGE- MENT CREDIT HRS/MON	2005 JURY MANAGE- MENT CREDIT HRS/MON	2008 JURY MANAGE- MENT CREDIT HRS/MON	2011 JURY MANAGE- MENT CREDIT HRS/MON	JURY MANAGE- MENT TIME STUDY REPORT HRS/MON
Douglas	213	7	9	19	11	16	19	
Henry	350	5	6	34	32	19	19	
Iron	184	8	10	24	35	16	19	
Nodaway	154	8	12	23	17	16	19	
Stone	461	3	6	38	14	38	19	
McDonald	319	5	14	37	20	26	20	13
Adair	337	5	13	28	23	22	20	
New Madrid	448	4	8	41	31	32	20	
Crawford	489	3	8	43	51	31	21	
Montgomery	195	9	12	22	18	16	21	
Pike	219	9	11	28	15	16	21	
Mississippi	366	7	15	37	13	26	22	5
Stoddard	518	5	8	51	14	46	22	5
Howell	541	4	8	45	33	32	22	35
Barry	487	6	15	44	20	39	24	
Warren	520	7	8	41	38	32	25	
Lafayette	530	8	17	53	37	51	26	29
Randolph	416	10	14	59	22	42	26	
Lawrence	449	10	22	52	50	38	27	20
Johnson	724	5	13	101	24	50	27	49
Laclede	504	9	18	45	28	32	27	
Marion	268	14	17	43	12	22	28	18
Washington	308	15	21	60	14	28	30	
Newton	646	10	17	69	38	57	31	
Pulaski	487	13	26	35	25	40	31	
Butler	718	11	15	66	15	53	33	
Dunklin	835	9	12	64	16	58	33	
St Francois	760	11	13	75	30	70	34	44
Scott	895	12	28	65	10	63	38	7
Christian	819	13	30	45	12	77	38	
Taney	869	12	29	66	52	66	38	
Pettis	586	16	47	52	14	42	39	31
Camden	784	17	34	75	15	65	42	14
Callaway	378	18	70	39	159	28	44	
Franklin	1018	16	25	95	14	88	45	
Phelps	885	18	25	52	51	56	45	
Lincoln	820	21	32	60	18	59	47	

COUNTY	FY10 CIRCUIT CIVIL + FELONY FILINGS	FY10 CIRCUIT CIVIL + CRIMINAL TRIALS	FY10 CIRCUIT CIVIL + CRIMINAL TRIAL DAYS	2002 JURY MANAGE- MENT CREDIT HRS/MON	2005 JURY MANAGE- MENT CREDIT HRS/MON	2008 JURY MANAGE- MENT CREDIT HRS/MON	2011 JURY MANAGE- MENT CREDIT HRS/MON	JURY MANAGE- MENT TIME STUDY REPORT HRS/MON
Cass	805	23	46	60	632	69	50	
Platte	802	24	69	71	618	61	52	
Jasper	1480	16	32	127	38	113	54	
Cole	1417	24	36	121	32	137	63	
Cape Girardeau	923	35	43	94	13	78	66	
Buchanan	1476	36	56	107	52	126	78	
Jefferson	2142	41	88	145	31	202	97	
Boone	1556	53	89	123	25	146	101	
Clay	1908	44	152	148	33	133	108	125
St Charles	2912	79	170	236	39	224	159	
Greene	4156	74	210	291	20	348	177	212
St Louis County	10764	164	466	890	618	904	414	402
Jackson	7643	199	807	681	10	696	492	
St Louis City	9081	290	1057	962	632	828	624	

There are several points to note in the results in Table 14.

- Note that, in general, the 2011 Jury Management values are smaller than the credit given in previous Clerical Weighted Workload Models. Given the more complete data collection that occurred during the 2011 Jury Management Mini-Time Study and the uncoupling of the two stages of jury management, it is suggested the 2011 estimates are more accurate than earlier estimates that were based on incomplete jury terms for the majority of the courts and which were more influenced by the relatively large number of jury trials in the metro court (Jackson) in 2002 and 2005. (Jury management activity was not collected in 2008 when the City of St Louis represented the metro courts).
- Note that in 19 of the courts, the credit given is the same or greater than the amount reported during the time study (*see* Mercer, Holt, Cedar, Carter, Monroe, Chariton, Ozark, Perry, Pemiscot, McDonald, Mississippi, Stoddard, Lawrence, Marion, Scott, Pettis, Camden, and St Louis County).
- Note a county can have more filings than another county (e.g., St Louis County compared to Jackson or the City of St Louis), but because of fewer trials and

fewer trial days in FY10, the estimated jury management credit for St Louis County is smaller than for the other two metro courts.

- The slope of the 2008 linear relationship between annual filings and minutes reported was “steeper” in 2008 than 2011 and some of the smaller courts in 2008 received negative estimated numbers because of very few filings. To counteract this, the Task Team approved 16 hours a month as a minimum for jury management in 2008. In 2011, when more information was collected on the complete jury terms of the smallest courts, many of them (Mercer, Holt, Cedar, Carter, Monroe, Dent, Chariton, Clinton, Ozark, Perry, McDonald, Mississippi, Stoddard, Scott, and Camden) reported hours fewer than 16 hours (*see* Table 9). The trial data is from FY10, before the time studies that took place between September 1, 2010 and February 28, 2011 so it is not possible to know how many of these courts conducted jury trials during the time study.

F. Total FTE Clerical Resource Demand

The Total FTE Clerical Resource Demand is found in row 35 of the model. The weighted workload (row 34), or case work, of the court is the major part of the Total FTE Clerical Resource Demand, or clerical workload, but not the entire clerical workload. Travel (row 32) and Jury Management (row 33) must be added to the weighed workload to calculate the total clerical workload. The number of minutes required to perform these activities in rows 32 to 34 are converted to FTE (Full-Time Equivalent) by dividing the Travel, Jury Management, and Weighted Workload minutes by the Average Annual Availability (row 31).² Thus, Total FTE Clerical Resource Demand (row 35) shows the total number of clerical staff needed in the county to process the county’s *total* clerical workload.

G. Authorized FTE Clerical Positions

Row 36 shows the number of state-authorized clerical positions per county. Any clerical resources provided by the county, such as jury management staff, are not included.

² Conversely, to “back-calculate” the number of minutes credited to individual courts annually, multiply the FTE in the model by 98,100. The estimate will not be exact because of rounding.

H. The Bottom Line

Row 37 in the 2011 Clerical Weighted Workload Model shows the bottom line, the difference between the state-authorized clerical resources a county has and the clerical resources a county needs according to the model. It is calculated by subtracting the county clerical workload supply (row 36) from the current clerical demand (row 35). A positive value in row 37 shows predicted clerical resource need in the county. A negative value in row 37 shows predicted clerical resource oversupply in the county.

The percent relative clerical demand shown in row 38 compares resource need across counties. It is the difference between demand and supply (row 37) divided by clerical supply (row 36). By using this value a smaller court that needs one clerk will show a relatively higher percentage of need than a larger court needing one clerk. The court with the greatest need is the court with the largest positive value.

V. Dissemination of Report and Model After CCBC Approval

The Clerical Weighted Workload Task Team at its last meeting discussed plans for the dissemination of the report and model after approval from the CCBC. It was decided the 2011 Clerical Weighted Workload Report and Model would be posted on the internal OSCA website and a webinar would be offered by OSCA staff to clerks across the State to explain the model and inform them of major changes from the 2008 Clerical Weighted Workload Model. Also, OSCA staff would be available to assist courts in using the model results by allocating workload by case category within their courts based on their current staffing. In addition, the consultant will make available individual court data to those courts who participated in the time studies so they can compare their times with the statewide averages if they wish.

VI. Conclusions and Recommendations

The 2011 Clerical Weighted Workload Model has several improvements compared to the 2008 Clerical Weighted Workload Model. One, the expansion of the Treatment Court time study to include as many courts as possible as well as obtaining complete “clerical” activity work of the individual courts allowed more detailed analysis and led to a more accurate and reliable Treatment Court case weight. Two, the expansion of the Jury Management time study to encompass the entire jury term of 30 courts from the smallest to the largest also allowed a more detailed bifurcated analysis of jury management times that not only treated the smallest courts

equitably, but also gave credit to the largest courts that experience a greater proportion of jury trials. Three, the updating of the 2003 Circuit Civil Time Intensive Case Type information allowed for the construction of a new Time Intensive case category and case weight as well as a “Super” Time Intensive Asbestos case category and case weight that will credit the Metro courts more equitably than previous models.

As in the 2008 Clerical Weighted Workload Study, the 2011 Main and Metro Time Studies were based on a sufficiently large sample of courts in a range of sizes that allowed statistically valid case weights to be calculated for the case categories based on sound statistical principles. The fact that all the Missouri state courts are now using one case management system and also are all consolidated facilitated choosing the Main and Metro Time Study samples because more courts were eligible.

The 2011 Clerical Weighted Workload Model is a useful tool, not only for assessing clerical resource need by county, but also for allocating resources within a court and for documenting emerging trends in the Missouri courts. For example, the decrease in the 2011 Circuit Civil case weight from 2008 is no doubt the result of a combination of factors—tort reform, more use of mediation and arbitration, earlier settlements because of the increased costs of going to trial, and changes in case processing due to court consolidation and all courts using JIS.

The final draft of the 2011 Clerical Weighted Workload Report and Model was distributed to the Clerical Weighted Workload Task Team members in mid-May and they recommended by e-vote that the Circuit Court Budget Committee approve the 2011 Missouri Clerical Weighted Workload Study Report and Model for use in determining clerical resource need in the next budget cycle.

APPENDIX A. ROSTER

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APPENDIX A. ROSTER

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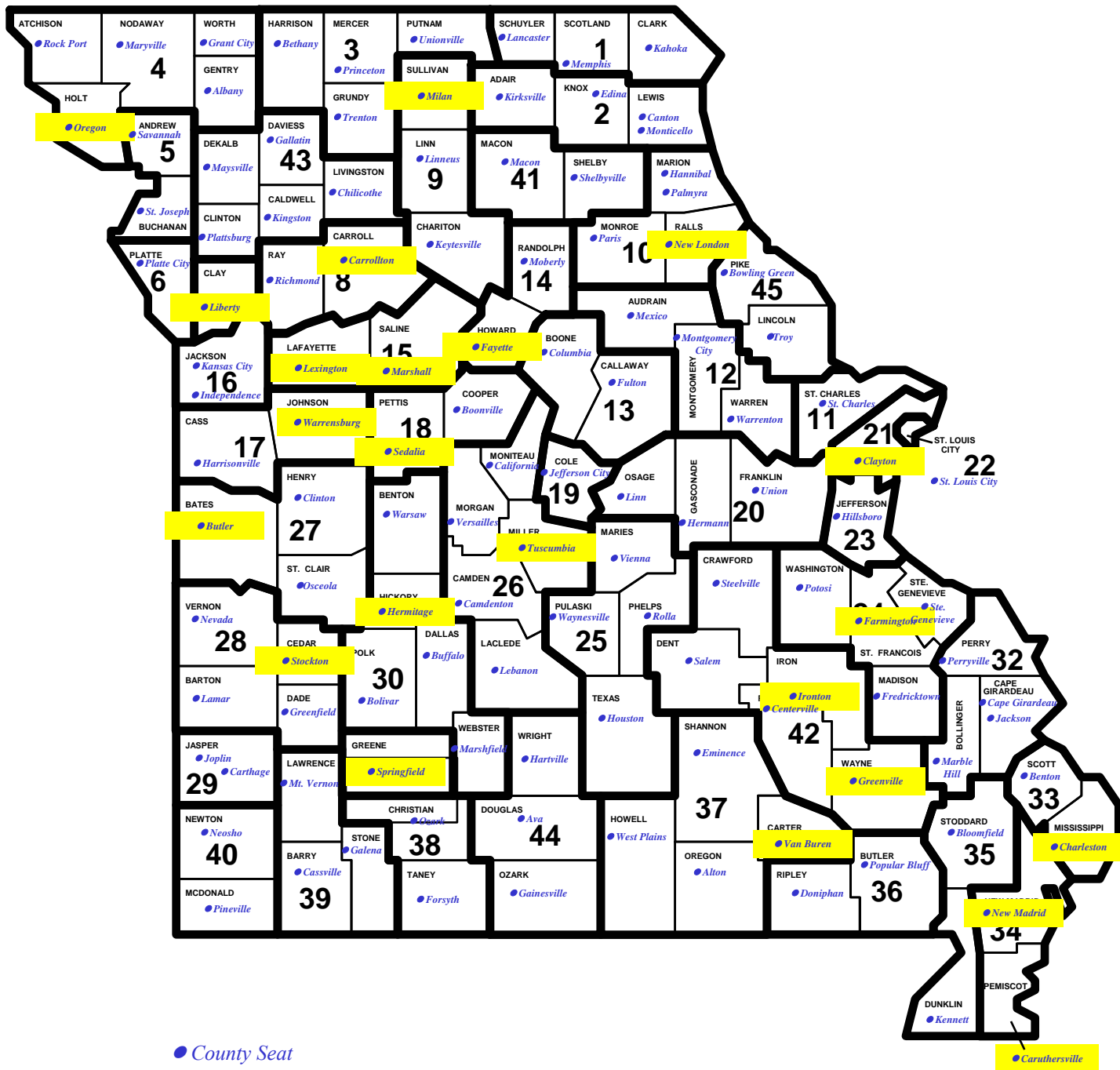
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Appendix B. 2011 Main and Metro Time Study Courts



Appendix C. Time Intensive Case Update: Identifying Case by Master Case ID (1/11/11)

Case Type	# Docket Entries (Case Disposed 2009)					# Parties (Case Filed 2009)				
	N	Minimum	Maximum	50 th Percentile	75 th Percentile	N	Minimum	Maximum	50 th Percentile	75 th Percentile
Asbestos	173	4	1389	204	370	68	2	110	44	66
Personal Injury-Product Liability	148	5	1881	44	150	115	2	117	4	8
Sexual Predator	15	16	249	126	146	13	1	2	2	2
Personal Injury-FELA	122	6	454	50	101	106	2	5	2	2
Personal Injury-Malpractice	550	2	673	40	86	549	2	36	4	6
Wrongful Death	454	3	612	24	85	469	1	115	4	6
Eminent Domain/Condemn-State	43	5	112	47	66	64	2	48	6	10
Eminent Domain/Condemn-Other	82	3	379	30	66	60	2	550	6	12
Other Tort	823	2	667	30	62	901	1	54	3	5
Personal Injury-Other	1474	2	1121	33	59	1424	2	29	3	4
Public Accommodation	1	50	50	50	50	1	3	3	3	3
App. Enforce Mechanics Lien	263	2	365	27	46	267	2	38	6	9
Personal Injury-Vehicular	3437	1	425	27	45	3180	1	19	2	3
Temporary Restraining Order	180	1	205	23	43	177	2	21	3	4
Property Damage	279	4	293	20	40	317	1	41	3	4
Employment Discrimination	317	2	344	27	40	393	2	12	3	4
Declaratory Judgment	620	3	658	21	39	597	1	70	3	5
Injunction	311	4	241	23	38	320	2	65	3	4
Misc. Trust	162	4	409	16	37	166	1	22	3	6
Breach of Contract	2745	2	489	21	36	2620	2	67	3	4
Partition	93	3	115	23	33	82	2	10	3	4
Promissory Note	669	5	359	19	31	875	2	18	3	4
Suit on Account	694	4	160	16	24	633	2	33	2	3
Replevin	359	3	145	17	22	382	2	10	2	3
Habeas Corpus	119	3	46	15	21	115	2	14	2	3
Successor Trustee	19	2	35	10	21	14	1	8	4	6

2008 Time Intensive Case Types in Bold